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Subject:	<p>Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EC) No 767/2008, (EC) No 810/2009 and (EU) 2017/2226 of the European Parliament and of the Council, Council Regulations (EC) No 693/2003 and (EC) No 694/2003 and Convention implementing the Schengen Agreement, as regards the digitalisation of the visa procedure</p> <p>Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1683/95, as regards the digitalisation of the visa procedure</p> <p>– Letter to the Chair of the LIBE Committee of the European Parliament</p>

Following the Permanent Representatives Committee meeting of 21 June 2023 which endorsed the final compromise text on the above-mentioned proposals with a view to agreement, delegations are informed that the Presidency sent the attached letter, together with its Annexes, to the Chair of the European Parliament Committee on Civil Liberties, Justice and Home Affairs (LIBE).



Council of the
European Union

849 23 / 002771

Brussels, 21 June 2023

Mr Juan Fernando López Aguilar
Chairman, European Parliament Committee on LIBE

BRUSSELS

Subject: Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EC) No 767/2008, (EC) No 810/2008 and (EU) 2017/2326 of the European Parliament and of the Council, Council Regulations (EC) No 693/2003 and (EC) No 694/2003 and Convention implementing the Schengen Agreement, as regards the digitalisation of the visa procedure

Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1683/95, as regards the digitalisation of the visa procedure

Dear Mr López Aguilar,

Following the informal meeting between the representatives of the three institutions, a draft overall compromise package was agreed today by the Permanent Representatives' Committee.

I am therefore now in a position to confirm that, should the European Parliament adopt its position at first reading, in accordance with Article 294 paragraph 3 of the Treaty, in the form set out in the compromise package contained in the Annex to this letter (subject to revision by the lawyer linguists of both institutions), the Council would, in accordance with Article 294, paragraph 4 of the Treaty, approve the European Parliament's position and the acts shall be adopted in the wording which corresponds to the European Parliament's position.

On behalf of the Council I wish to warmly thank the Rapporteur and the Shadow Rapporteurs for their flexibility, as well as all the staff involved on this file.

Yours sincerely,

L. DANIELSSON
Chairman of the
Permanent Representatives Committee

Copy to: Mr Matjaž NEMEC, Rapporteur of the LIBE Committee
Ms Ylva JOHANSSON, Commissioner for Home Affairs, European Commission

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulations (EC) No 767/2008, (EC) No 810/2009 and (EU) 2017/2226 of the European Parliament and of the Council, Council Regulations ~~(EC) No 1683/95, (EC) No 333/2002,~~ (EC) No 693/2003 and (EC) No 694/2003 and Convention implementing the Schengen Agreement, as regards the digitalisation of the visa procedure

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular ~~Articles~~**Article** 77(2), point (a), and **Article** 79(2), point (a), thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The Union's common visa policy has been an integral part of the establishment of an area without internal borders. ~~Visa policy should remain an essential element in helping counter security risks and the risk of irregular migration to the Union, while facilitating tourism and business. The common visa policy should contribute to generating growth and be consistent with other Union policies, such as those concerning external relations, trade, education, culture and tourism.~~ In March 2018 Commission communication on visa policy addressed the concept of "e-visas" and announced a feasibility study on digital visa procedures and the intention to assess options and promote pilot projects to prepare the ground for future proposals. When revising the EU Visa Code in 2019, the European Parliament and the Council explicitly stated the aim of developing a common solution in the future to allow Schengen visa applications to be lodged online, thereby making full use of recent legal and technological developments¹.

¹ Recital 20 in Regulation (EU) 2019/1155.

- (2) The initiative is in line with the general EU approach to encourage the modernisation and digitalisation of public services and the Commission communication on the 2030 Digital compass: the European way for the digital decade². Since the entry into force of Regulation (EC) No 810/2009 of the European Parliament and of the Council³ in 2010 and the start of operations of the Visa Information System (VIS) in 2011 under Regulation (EC) No 767/2008 of the European Parliament and of the Council⁴, ~~migration and security challenges faced in recent years have~~ **the context in which visa policy operates has** considerably ~~transformed the visa policy context~~ **changed**. In addition, significant technological developments provide new opportunities to make the Schengen visa application process smoother and more effective for third-country nationals, **as well as more cost effective for** ~~and Member States authorities~~.
- (3) The COVID-19 pandemic, which led to the slowing down of Schengen visa operations worldwide partly due to the difficulty of receiving visa applicants in consulates and Visa Application Centres, prompted Member States to call upon the Commission to speed up work on digitalisation of visa procedures.
- (4) The New Pact on Migration and Asylum proposed by the Commission on 23 September 2020 set the objective of making the visa procedure fully digitalised by 2025, with a digital visa and the ability to submit visa applications online.
- (5) While visa processing is already partially digitalised, with applications and decisions recorded in the VIS, two important steps remain paper-based: the visa application process and the issuance of the visa to the applicant by means of a visa sticker. This creates a burden for all stakeholders, in particular for Member States authorities issuing visas and visa applicants. Member States are aware of this and some of them have already implemented digital solutions in order to provide applicants with a modern and user-friendly application procedure and to improve the efficiency of handling visa applications.
- (6) Visa applicants should be able to apply for a visa online through a single EU platform, regardless of the Member State of destination. This tool should automatically determine which Member State is competent to examine an application, in particular where the applicant intends to visit several Member States. Member States will only need to check whether the tool determined the correct competent Member State.
- (6a) A common digital platform will significantly contribute to improving the image of the EU.**

² COM(2021) 118 final, Commission communication on the 2030 Digital Compass: the European way for the Digital Decade

³ Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (OJ L 243 15.9.2009, p. 1).

⁴ Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas, (OJ L 218, 13.8.2008, p. 60).

- (7) The EU online application platform should provide the applicant with up-to-date ***and easily accessible*** information ***and the conditions for entry on the territory of the Member States, in formats that take into account visual impairments***, on Schengen short-stay visas and a guidance tool with which the applicant can find all the necessary information regarding the requirements and procedures, such as, but not limited to, whether a visa is required and what type of visa; the amount of the visa fee; the Member State competent for handling the application; the supporting documents required; the need for an appointment to collect biometrics or the possibility to apply online without an appointment. ***The platform should provide the applicant documents in printable format and should also include a communication mechanism, such as a chatbot, to answer questions of the applicants. That chatbot, in any case, will not constitute the only means by which the applicant could get information on the Visa procedure. The EU online application platform should also provide information on the processing of personal data in the context of the Visa Information System (VIS).*** The EU application platform should also allow to establish a secure electronic communication between the applicant and the competent consulate or the central authorities of the competent Member State by electronic means, should additional documents or an interview be required.
- (7a) ***Member States should ensure that the service offered to the public is of a high standard and follows good administrative practices. Member States should ensure that a ‘one-stop shop’ principle is applied to all applicants.***
- (8) Visa applicants should be able to submit their application, provide data required in the application form, provide a scanned ***an electronic*** copy of the travel document, and provide supporting documents and travel medical insurance in digital format through the EU application platform. In order to enable applicants to save information relating to their application, the online application platform should be able to store data temporarily ***and strictly for as long as this is necessary for the completion of the relevant task***. Once the applicant has submitted the online application and the Member States perform the appropriate checks, the application file will be transferred to the national system of the competent Member State and stored there. Consulates ***or the central authorities*** would consult the information stored at a national level and push only the required data to the central VIS.
- (9) Appearing in person at the consulate or external service provider should, in principle, be mandatory only for first time applicants and applicants who have acquired a new travel document, which needs to be verified, and for the collection of biometric identifiers. ***However, when in doubt in relation to the travel document or supporting document or both or in individual cases in a particular location where there is a high incidence of fraudulent documents, Member States should retain the possibility to ask to the applicant to appear in person.***

- (10) Repeat applicants should be able to apply fully online within a period of 59 months after their initial ~~successful~~ application provided that they apply with the same travel document. Once this period of time has elapsed, biometrics should be collected again, as referred to in Regulation (EC) No 810/2009, under which biometric data are, in principle, to be collected every 59 months, starting from the date of the first collection.
- (11) Specific provisions apply to third-country nationals subject to a visa requirement, who are family members of citizens of the Union to whom Directive 2004/38/EC of the European Parliament and of the Council⁵ applies or of third-country nationals enjoying the right of free movement equivalent to that of Union citizens under an agreement between the Union and its Member States, on the one hand, and a third country, on the other, and who do not hold a residence card pursuant to Directive 2004/38/EU, or of UK nationals who are beneficiaries of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community⁶ (EU-UK Withdrawal Agreement) in relation to their host State, and who do not hold a EU-UK Withdrawal Agreement residence document.
- (12) Article 21(1) of the Treaty on the Functioning of the European Union stipulates that every citizen of the Union shall have the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in the Treaties and by the measures adopted to give them effect. The respective limitations and conditions are to be found in Directive 2004/38/EC. As confirmed by the Court of Justice of the European Union, family members referred to under recital 11 have not only the right to enter the territory of the Member State but also to obtain an entry visa for that purpose. Member States must grant such persons every facility to obtain the necessary visas which must be issued free of charge as soon as possible and on the basis of an accelerated procedure and with due regards to the procedural safeguards that apply to them. Against this background, in particular, such family members should be entitled to lodge their visa application, their application for a confirmation of a valid visa in a new travel document or their application for the extension of their visa without using the EU application platform, as this may facilitate their visa application. In such a case, they should be entitled to choose to lodge their applications in person at the consulate or at the external service providers. In addition, the EU online visa application platform should fully take into account the rights and facilitations granted to the beneficiaries of the free movement acquis. The same applies with regard to family members of UK nationals who are beneficiaries of the EU-UK Withdrawal Agreement in relation to their host State, by virtue of Article 14(3) of the EU-UK Withdrawal Agreement.

⁵ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ L 158, 30.4.2004, p. 77).

⁶ Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ L 29, 31.1.2020, p. 7).

- (13) Special provisions should apply in *cases of humanitarian reasons, in justified* individual cases, *in cases of force majeure*, ~~because of humanitarian reasons~~ or to Heads of State or government and members of a national government with accompanying spouses, and the members of their official delegation when they are invited by Member States' governments or by international organisations for an official purpose, sovereigns and other senior members of a royal family, when they are invited by Member States' governments or by international organisations for an official purpose *and for visas applied for at the external border or that might be extended in the territory of the Member States*.
- (14) ~~The~~ special provisions which ~~should~~ apply in individual cases because of humanitarian reasons could *also* cover *all types of* digital accessibility issues, *limited access or no internet penetration, or limited digital literacy*. *Particular attention should be paid to persons with a disability*.
- (15) A third party *duly* authorised by the visa applicant or empowered by law to represent them, *where appropriate*, should be able to lodge an application on their behalf, provided this person's identity is included in the application form. ~~It should be possible for travellers to authorise commercial intermediaries to create and submit an application on their behalf.~~
- (16) Each applicant should submit a completed application form using the EU application platform. *The online application form*, including a declaration of the authenticity, completeness, correctness and reliability of the data submitted and a declaration of the veracity and reliability of the statements made, *should be signed electronically by ticking an appropriate box in the application form*. Each applicant should also state that they have understood the conditions for entry referred to in Regulation (EU) 2016/399 of the European Parliament and of the Council⁷ and that they could be requested to provide the relevant supporting documents at each entry. *Applicants should confirm that they agree to receive communications via the EU application platform. For that purpose they should access the platform on a regular basis*. Application forms for minors should be submitted and electronically signed by a person exercising permanent or temporary parental authority or legal guardianship.
- (16a) *When applying for a visa, applicants should provide proof of holding supporting documents. For the purposes of this Regulation, this encompasses both the digital and physical submission of documents. Taking into consideration the established case law of the Court of Justice on the grounds of refusal of a visa, a flagged IP address alone or the potential duplication of IP addresses is not to be of relevance for the purpose of the examination of the application.*

⁷ Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code).

- (17) }The payment of the visa fee should be made by using a ~~third-party~~ gateway linked to the ~~online~~EU application platform and the payments would be directly transferred, ***in their entirety***, to the appropriate Member State. The data required for securing the electronic payment should not form part of data stored in VIS. ***In cases where an electronic payment is not possible, the visa fee should be collected by the consulates or the external service provider entrusted with this task.***
- (18) The EU application platform will also contain ~~the an~~ appointment tool, which the Member State may decide to use to manage appointments at their consulates or the external service providers. While the use of such tool should remain optional, as it might not be appropriate across all locations and for all consulates, Member States should nevertheless use local Schengen cooperation to discuss whether a harmonised approach regarding the use of the appointment tool could be followed in specific third countries or specific locations.
- (18a) Local Schengen cooperation should also determine in specific cases the use of widely spoken unofficial languages for the translation of the application form. Local Schengen cooperation should also discuss modalities for the transfer of electronic data for external service providers or representing Member States in cases where under local laws third countries prohibit such transfers outside of their territory.***
- (19) The system should notify the applicant if information is missing and ~~the system should~~ provide the applicant with the possibility of correcting the application. The EU application platform should indicate to the applicant of the admissibility of his/her application via an automated admissibility pre-check. The pre-check should ensure that the information provided fulfils the admissibility requirements for the requested visa.
- (20) Where the competent consulate or the central authorities of the competent Member State finds that it is responsible to examine the application, it should accept it and the data should be imported into the national system from the temporary storage as established by the VIS Regulation and deleted from the temporary storage with the exception of contact data.
- (20a) The regulation should provide for authorities that should be responsible for data protection in relation to the EU Visa application platform. In particular, each Member State should designate a competent authority which is to be considered as joint data controller. Member States should communicate these authorities to the Commission, eu-LISA and other Member States.***
- (20b) The architecture of the EU application platform should ensure data protection by design and by default, the respect of the principle of data minimisation and that, when operational, it is implemented in a way that observes access rights as those defined in the relevant existing, national and Union, legislation.***

- (20c) *In order for the personal data inserted in the EU application platform to be of the minimum necessary quality, a specific procedure to verify their quality is necessary. Having a uniform approach to quality check is important not only to ensure an equal level of data quality across the Member States, but also to ensure that applicants have the same treatment when addressing different competent consulates.*
- (20d) *It is necessary to clarify the role of the different actors involved in the processing of the data collected from applicants. Member States will be the final users of the data to be collected by the platform and will have the final decision on the data provided by applicants. Member States should therefore be joint controllers for the processing of the personal data in the temporary storage in accordance with Article 26 of Regulation (EU) 2016/679.*

eu-LISA operates and provides technical solutions for the EU Visa Application platform and processes data submitted by visa applicants on behalf of the Member States issuing Schengen visas. eu-LISA is therefore a processor within the meaning of Article 3(12) of Regulation (EU) 2018/1725. Pursuant to Article 28 of Regulation (EU) 2016/679 and Article 29 of Regulation (EU) 2018/1725, the processing by a processor is to be governed by a contract or a legal act under Union or Member State law which is binding on the processor with regard to the controller and which specifies the processing.

It is necessary to define the responsibilities and the relationships between Member States as joint controllers of the EU visa application platform in an implementing act. It is also necessary to define the relationship between the Joint controllers and the data processor and the data processor responsibilities in another implementing act.

- (21) *Applicants should be notified of the decision taken by the competent Member State on informed by electronic message that there is new information regarding their application or visa. The decision taken by the competent Member State by electronic means, indicating whether the visa is issued, refused, confirmed to a new travel document, extended, annulled or revoked, in accordance with Regulations (EC) No 810/2009 and (EC) No 767/2008 should be made available to the applicant in a secure account service in the EU application platform. Access to the secure account included in the platform should be protected by technical means, e.g. by means of a multi-factor authentication. The requirements regarding the functioning of the secure account, including authentication, should be defined by the Commission in an implementing act.*
- (21a) *A well-established principle in case law is that no right is to be prejudiced in consequence of the expiry of a time limit if the party concerned proves the existence of unforeseeable circumstances or of force majeure. Therefore, in application of that principle, in cases where it was not possible to use the secure account for technical reasons applicants' rights are not to be prejudiced if the applicant concerned proves the existence of such unforeseeable circumstances or of force majeure.*

- (22) In order to reduce security risks related to *misuse*, counterfeited and stolen visa stickers, a visa should be issued in digital format and no longer as a visa sticker affixed to the travel document.
- (23) In order to ensure maximum security and prevent counterfeiting or forgery, the notification of digital visa should be in the form of a 2D barcode, cryptographically signed by the Country Signing Certificate Authority (CSCA) of the issuing Member State. In case VIS is unavailable or unreachable, checks would rely on a 2D barcode from the signing authority.
- (24) In case the travel document of the visa holder is lost, stolen, **has expired** or has ~~expired~~**been invalidated** and the visa is still valid, the visa holder could apply via the EU application platform for the confirmation of the visa in a new travel document under the condition that the new travel document is of the same type and issued by the same country as the lost, stolen, **expired or invalidated**~~or expired~~ travel document. The visa holder should appear in person to the consulate or the external service provider to present the new travel document in order to verify the authenticity of the new travel document.
- (25) Data stored in the EU application platform should be safeguarded using privacy-enhancing implementation measures.
- (26) External service providers should have access to the EU application platform only to retrieve and review submitted applications; verify the data temporarily stored (for example, scan of travel document); **check and upload the relevant personal data from the chip of the travel document**; collect and upload biometric identifiers; perform quality checks of the uploaded supporting documents; confirm that an application has been reviewed and thus making it available to the consulate for further processing; external service providers should not have access to data stored in VIS.
- (27) It is necessary to determine the date from which operations start, including *of* the digital visa and the EU application platform. A Member State may, for a period of ~~5~~7 years from the date of start of operations, decide not to avail itself of the online EU application platform. Nevertheless, a Member State may notify that it wishes to join the online EU application platform before the end of the transition period. During the transitional period, if the Member State processing its visa applications decided not to avail itself of the online EU application platform, visa holders will still be able to verify the digital visas using the web-service of the EU application platform.

- (27a) *eu-LISA should ensure sufficient capacities and functionalities of the EU Visa application platform in order to enable Member States to join the platform during the transition period.*

The development of the EU Visa application platform by eu-LISA should take into account the future use of the platform by Member States not yet applying the Schengen acquis in full. The platform should be set up so as to enable these Member States to seamlessly connect and smoothly use the platform as soon as a Council decision in accordance with Article 3(2) of the 2003 Act of Accession or Article 4(2) of the 2005 Act of Accession has been taken. This will concern in particular the storage capacity of the platform and the interconnection with the national visa information systems. The competent authorities of the Member States concerned should be fully associated to the development of the platform from the outset in the same way as the other Member States.

- (27b) *A Member State not applying the Schengen acquis in full may request eu-LISA to introduce links through the inclusion of a Uniform Resource Locator (URL) in the EU application platform pointing to the relevant national application procedure of the Member State concerned.*

- (28) *The EU application platform should contain a functionality for applicants **and other entities, such as employers or universities or local authorities**, to verify ~~their~~the digital visas.*

- ~~(29) The Member States which do not apply the Schengen acquis in full, and therefore do not have access to VIS to enter visa applications and store digital visas, should continue to issue visas in the form of a uniform format (sticker).~~

- (30) In order to enable the application of Decision No 565/2014/EU, Bulgaria, ~~Croatia~~, Cyprus and Romania should have read-only access of digital visas stored in VIS.

- (31) The European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) should be responsible for the technical development and operational management of the EU application platform and its components, as part of VIS.

- (32) The system architecture of the EU application platform should reuse the existing and upcoming systems that are part of the new framework for interoperability to the full extent possible, and in particular European Travel Authorisation Information System (ETIAS) and Entry-Exit System (EES), while respecting the current limitations of technology and the current investments made by Member States in their own national systems.

- (32a) *The development by eu-LISA of the EU visa application platform and of its interconnection with the national visa information systems and the operation, including maintenance, by eu-LISA, of the EU visa application platform should be financed under the general budget of the Union. Regarding necessary adaptations by the Member States to the existing national visa information systems, Member States may use the Instrument for Financial Support for Border Management and Visa Policy to finance this category of costs.***
- (33) Checking of digital visas at the border should rely on the existing and upcoming EU system architecture for border management and should consist of the visa holder's information stored in the VIS. This information should be verified with biometric data by Member States authorities.
- (34) The format for short-stay visas, as set by Council Regulation (EC) No 1683/95⁸, is also used for long-stay visas. Therefore, the Convention implementing the Schengen Agreement⁹ should be amended to enable that long-stay visas are also issued in digital format.
- ~~(35) Since the introduction of digital visas would obviate the need for affixing the physical visa sticker, the Regulation Council Regulation (EC) No 333/2002¹⁰ setting the uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognised by the Member State should be modified accordingly.~~
- (36) Facilitated Transit Documents (FTD) and Facilitated Rail Transit Documents (FRTD) constitute documents having the value of transit visas authorising their holders to enter in order to pass through the territories of Member States in accordance with the provisions of the Schengen acquis concerning the crossing of external borders. Facilitated Transit Documents (FTD) and Facilitated Rail Transit Documents (FRTD) are issued in uniform formats and the application procedure is paper-based. In order to reflect digitalisation developments, and Council Regulation (EC) No 693/2003¹¹ and Council Regulation (EC) No 694/2003¹², should be amended to enable the issuance in digital format, as well as digital applications.

⁸ Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code).

⁹ Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders (OJ L 239, 22.9.2000, p. 19).

~~¹⁰ Council Regulation (EC) No 333/2002 of 18 February 2002 on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognised by the Member State drawing up the form (OJ L 53, 23.2.2002, p. 4).~~

¹¹ Council Regulation (EC) No 693/2003 of 14 April 2003 establishing a specific Facilitated Transit Document (FTD), a Facilitated Rail Transit Document (FRTD) and amending the Common Consular Instructions and the Common Manual (OJ L 99, 17.4.2003, p. 8).

¹² Council Regulation (EC) No 694/2003 of 14 April 2003 on uniform formats for Facilitated Transit Documents (FTD) and Facilitated Rail Transit Documents (FRTD) provided for in Regulation (EC) No 693/2003 (OJ L 99, 17.4.2003, p. 15).

- (37) In order to ensure that the application form and the refusal forms cater for the possibilities when a visa applicant submitted their application via the EU application platform or ~~not~~ **amend certain aspects of Regulation (EC) No 767/2008**, the power to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to ~~amend the list of information that the EU application platform should contain and to amend the appropriate standard forms and formats~~ **define the content of simplified application forms for the confirmation of valid visas in a new travel document and for the extension of visas**. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹³. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts should systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (38) Since the objectives of this Regulation, namely, the establishment of the European online visa application platform and the introduction of a digital visa builds on other initiatives aiming, on the one hand, at streamlining and harmonising the procedures in the context of the common visa policy and, on the other hand, at aligning travel, entry requirements and border checks within the Schengen Area with the new digital era, the amendments of the related legislation are only possible at Union level and are part of the Schengen acquis. The Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
- (39) This Regulation is without prejudice to the application of Directive 2004/38/EC and of Part Two of the EU-UK Withdrawal Agreement.
- (40) This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. The introduction of an EU application platform and of a digital visa will fully respect the right to protection of personal data, the respect for private and family life, the rights of the child, and the protection of vulnerable persons. All safeguards on fundamental rights included in the Visa Information System Regulation will remain fully applicable in the context of the future EU Visa application platform and of the digital visa, in particular regarding to the rights of child. The platform will have to take into account requirements laid down in the Accessibility Directive¹⁴ to ensure an easy access for people with disabilities. **Particular attention should be given to people with limited digital literacy and internet access issues.**

¹³ OJ L 123, 12.5.2016, p. 1.

¹⁴ Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies, (OJ L 327, 2.12.2016, p. 1–15).

- (41) In accordance with Articles 1 and 2 of the Protocol No 22 on the Position of Denmark annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds upon the Schengen acquis, Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Regulation whether it will implement it in its national law.
- (42) This Regulation constitutes a development of the provisions of the Schengen acquis in which Ireland does not take part¹⁵; Ireland is therefore not taking part in the adoption of this Regulation and is not bound by it or subject to its application.
- (43) As regards Iceland and Norway, this Regulation constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis¹⁶ which fall within the area referred to in Article 1, point B of Council Decision 1999/437/EC¹⁷.
- (44) As regards Switzerland, this Regulation constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis¹⁸ which fall within the area referred to in Article 1, point B, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC¹⁹.

¹⁵ This Regulation falls outside the scope of the measures provided for in Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis (OJ L 64, 7.3.2002, p. 20).

¹⁶ OJ L 176, 10.7.1999, p. 36.

¹⁷ Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis (OJ L 176, 10.7.1999, p. 31).

¹⁸ OJ L 53, 27.2.2008, p. 52.

¹⁹ Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis (OJ L 53, 27.2.2008, p. 1).

- (45) As regards Liechtenstein, this Regulation constitutes a development of the provisions of the Schengen acquis within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis²⁰ which fall within the area referred to in Article 1, point B, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU²¹.
- (46) *As regards Cyprus and Bulgaria and Romania*, this Regulation constitutes an act building upon, or otherwise relating to, the Schengen ~~acquis~~acquis within, respectively, the meaning of Article 3(2) of the 2003 Act of Accession, ~~Article 4(2) of the 2005 Act of Accession~~ and Article 4(2) of the ~~2011~~**2005** Act of Accession.
- (47) The European Data Protection Supervisor was consulted in accordance with Article 42 of Regulation (EU) 2018/1725 of the European Parliament and of the Council²² and delivered an opinion on **21 June 2022**. ~~[XX]~~²³.

HAVE ADOPTED THIS REGULATION:

²⁰ OJ L 160, 18.6.2011, p. 21.

²¹ Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

²² Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39–98).

²³ [OJ C ...].

Article 1

Amendments to Regulation (EC) No 810/2009

Regulation (EC) No 810/2009 is amended as follows:

(1) in Article 1(2), the following point (c) is added:

“(c) the residence rights enjoyed in the host State by third-country nationals who are family members of UK nationals who themselves are beneficiaries of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community* (‘EU-UK Withdrawal Agreement’).

* Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ L 29, 31.1.2020, p. 7).”;

(2) ~~in Article 2, the following points 10a and 10b are inserted~~ *is amended as follows:*

(a) *point 6 is replaced by the following:*

“6. ‘digital visa’ means visas issued in digital format in accordance with Regulation (EC) 1683/95;”;

(b) *the following point is inserted:*

“10a. ‘application form’ means the uniform **application** form set out in Annex I, either available online via the EU application platform or on paper;”;

~~10b. ‘digital visa’ means visas issued in digital format as a record in VIS;”;~~

(c) *point (13) is replaced by the following:*

“13. ‘electronically signed’ means the confirmation of agreement through the ticking of an appropriate box in the application form or the request for consent;”;

(d) *point (14) is inserted:*

“14. ‘electronic message’ means a communication sent by electronic means notifying the recipient that new information is available on their secure account.”;

(3) in Article 3(5), point (d) is replaced by the following *is amended as follows*:

(a) *point (b) is replaced by the following*:

"(b) third-country nationals holding a valid residence permit issued by a Member State which does not take part in the adoption of this Regulation or by a Member State which does not yet apply the provisions of the Schengen acquis in full, or third-country nationals holding one of the valid residence permits listed in Annex V issued by Andorra, Canada, Japan, San Marino, the United Kingdom or the United States of America guaranteeing the holder's unconditional readmission, or holding a valid residence permit for one or more of the overseas countries and territories of the Kingdom of the Netherlands (Aruba, Curaçao, Sint Maarten, Bonaire, Sint Eustatius and Saba);"

(b) *point (d) is replaced by the following*:

"(d) family members of citizens of the Union referred to in Article 1(2), point (a), *family members of third-country nationals referred to in Article 1(2) point (b)*, and family members of UK nationals who themselves are beneficiaries of the EU-UK Withdrawal Agreement referred to in Article 1(2), point (c);"

(4) in Article 5(1), point (b) is replaced by the following:

"(b) if the visit includes more than one destination, or if several separate visits are to be carried out within a period of two months, the Member State whose territory constitutes the main destination of the visit(s) in terms of the length of stay, counted in days, *or the purpose of stay*;"

(5) in Article 8, the following paragraph ~~4a~~ is inserted:

"4a. Bilateral representation arrangements shall be displayed in the EU application platform referred to in Chapter Ia of Regulation (EC) No 767/2008."

(6) Article 9 is amended as follows:

(a) the following paragraphs ~~1a and 1b~~ are inserted:

"1a. ~~Applicants shall lodge an application~~ *Without prejudice to Articles 33 and 35, applications shall be lodged* via the EU application platform, as referred to in Chapter Ia of Regulation (EC) No 767/2008.

1b. By derogation from paragraph 1a, *Member States may allow* the following categories of persons ~~may~~ lodge an application without using the EU application platform:

- (a) ~~third-country nationals in individual cases for humanitarian reasons;~~
- (aa) *third-country nationals in justified individual cases or in cases of force majeure;***
- (b) heads of State or government and members of a national government with accompanying spouses, and the members of their official delegation when they are invited by Member States' governments or by international organisations for an official purpose, sovereigns and other senior members of a royal family, when they are invited by Member States' governments or by international organisations for an official purpose;
- (c) ~~third-country nationals to whom visas are issued at the external border in accordance to Chapter VI.;~~

(b) in paragraph 4 the following point (d) is added:

“(d) by another person, ***if applicable, duly authorised by the applicant, where*** when it is lodged via the EU application platform.”;

(7) Article 10 is amended as follows:

(a) paragraph 1 is replaced by the following:

“1. When lodging an application, applicants shall, where required in accordance with Article 13, appear in person to provide their ~~fingerprints and facial image~~. Applicants shall also appear in person for the verification of their travel document ~~in accordance with Article 12.;~~***biometric identifiers.***

Applicants shall also appear in person for the verification of their travel document in accordance with Article 12.”;

(b) the following paragraphs ~~1a and 1b~~ are inserted:

“1a. ~~Member States may, in justified and individual cases, require that the applicant presents a~~***Without prejudice to paragraphs 1 and 1b, when in doubt in relation to the*** travel document ~~and/or provides~~ supporting documents. ~~This shall be possible in exceptional or both, or in individual cases and in cases in a particular location where there is a high incidence of fraudulent documents, Member States may require, on the basis of a preliminary assessment of the application, that the applicant presents a travel document or provides supporting documents, or both in a particular location.~~

1b. Consulates shall, within local Schengen cooperation, assess the implementation of the conditions laid down in paragraph 1a, to take account of local circumstances.”;

(c) paragraph 3 is replaced by the following:

“3. When lodging the application, the applicant shall:

- (a) ~~provide data referred to~~ **submit an application form as provided for** in Article 11;
- (b) provide proof of holding the travel document in accordance with Article 12;
- (c) allow his or her facial image to be taken live in accordance with Article 13 or, where the exemptions referred to in Article 13(7a) apply, present a photograph in accordance with the standards set out in Regulation (EC) No 1683/95;
- (d) allow the collection of his or her fingerprints in accordance with Article 13, where applicable;
- (e) pay the visa fee in accordance with Article 16;
- (f) provide proof of the supporting documents in accordance with Article 14;
- (g) where applicable, provide proof of possession of adequate and valid travel medical insurance in accordance with Article 15.”;

(8) Article 11 is amended as follows:

(a) paragraph 1 is replaced by the following:

“1. **The** application form shall be submitted **and signed electronically** via the EU application platform. In cases referred to in Article 9(1b), the applicants may submit a manually or electronically completed application form set out in Annex I.

~~The Commission shall adopt delegated acts in accordance with Article 51a in order to update the application form as set out in Annex I or submitted via the EU application platform.~~

~~The application form. It shall be signed. It may be signed electronically~~ **manually in cases referred to in Article 9(1b)**. Persons included in the applicant’s travel document shall submit a separate application form. Minors shall submit an application form signed by a person exercising permanent or temporary parental authority or legal guardianship.”;

(b) paragraph ~~1b~~ **1a and 1b are** deleted;

(c) the following paragraph ~~4e~~ is inserted:

“1c. Each applicant shall submit a completed application form including a declaration of the authenticity, completeness, correctness and reliability of the data submitted and a declaration of the veracity and reliability of the statements made. Each applicant shall also state that he or she has understood the conditions for entry referred to in Article 6 of Regulation (EU) 2016/399 and that he or she may be requested to provide the relevant supporting documents at each entry.”;

(d) *point (b) of paragraph 3 is amended as follows:*

“(b) the official language(s) of the host country;”;

(e) *paragraph 4 is amended as follows:*

“4. If the application form is not available in the official language(s) of the host country, a translation of it into that/those language(s) and, where applicable, in widely spoken unofficial language(s) of the host country, shall be made available separately to applicants.”;

(f) *paragraph 5 is amended as follows:*

“5. In accordance with Article 48(1a)(c) of this Regulation, and where a common translation into the relevant language(s) does not yet exist, the Local Schengen Cooperation will ensure a common translation of the application form in the official language(s) of the host country and, in case where the Local Schengen Cooperation considers it necessary, in widely spoken unofficial language(s) of the host country.”;

(9) Article 12 is replaced by the following:

*“Article 12
Travel document*

1. The applicant shall provide proof of holding a valid travel document satisfying the following criteria:
 - (a) its validity shall extend at least three months after the intended date of departure from the territory of the Member States or, in the case of several visits, after the last intended date of departure from the territory of the Member States. However, in a justified case of emergency, this obligation may be waived;
 - (b) it shall have been issued within the previous 10 years.

2. ***Without prejudice to Article 10(1a)*** the applicant shall only be required to present the travel document in person in case of a first application with that travel document, or if the applicant needs to provide biometrics.

~~The first subparagraph shall not affect the application of Article 10(1a).~~

3. ***Where required under paragraph 2, the authenticity, integrity and validity of*** the travel documents shall be checked ***and verified*** using the appropriate technology.

The Commission shall, by means of an implementing act, adopt the minimum standards regarding technology, methods and procedures to be used when travel documents are checked and verified by the consulate or the central authorities or the external service provider in order to make sure that the travel document provided or presented is not false, counterfeit or forged. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 52(2).

4. ~~Where the application is submitted via the EU application platform, the consulate~~ ***The consulate, or the central authority*** or the external service provider shall verify that the ~~presented~~ travel document, which is presented in person in accordance with paragraph 2, corresponds to the ~~scanned copy~~ ***electronic copy of the biographic data page of the travel document*** uploaded by the applicant.

If the verification is done by the external service provider, the external service provider shall use the external service provider gateway referred to in Article 7e Regulation (EC) No 767/2008.

5. ***Where the external service provider has doubts about the identity of the applicant, the authenticity, integrity and validity of the presented travel document, it shall communicate those doubts to the consulate or the central authority and send the travel document to the consulate for further verification.***

Where the travel document presented contains a storage medium, the consulate, or the central authority or the external service provider shall check the authenticity and integrity of the chip data, read the chip and upload the relevant personal data limited to the data included in the machine-readable zone and the photograph, electronic certificates and the protocols of the check to the EU application platform.

6. ***The Commission shall, by means of an implementing act, adopt the minimum standards regarding technology, methods and procedures to be used when processing the chip data. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 52(2).***

57. Where *there are doubts on* the quality of the scanned copy referred to in paragraph 4 is unsatisfactory or where there are doubts, notably regarding authenticity *electronic copy of the travel document, notably regarding its correspondence with the original*, the competent consulate or the external service provider shall take a new scanned *electronic copy* and upload it to the EU application platform.”;

(10) in Article 13, the following paragraph 7e is added *is amended as follows*:

(a) *paragraph 6 is replaced by the following*:

"6. The biometric identifiers shall be collected by qualified and duly authorised staff of the authorities competent in accordance with Article 4(1), (2) and (3). Under the supervision of the consulates or the central authority, the biometric identifiers may also be collected by qualified and duly authorised staff of an external service provider as referred to in Article 43. Where there is any doubt, fingerprints which have been taken by the external service provider may be verified at the consulate.";

(b) *the following paragraph is added*:

"7c. Where the biometric identifiers are collected by an external service provider in accordance with Article 43, the external service provider gateway referred to in Article 7e of Regulation (EC) No 767/2008 shall be used for this the purpose of uploading the biometric identifiers as provided for in paragraph 1(b) of Article 7e.";

(11) Article 14 is amended as follows:

(a) in paragraph 1, the introductory words are *is replaced by the following*:

"When applying for a uniform visa, the applicant shall provide proof of:

(a) *proof of documents indicating the purpose of the journey;*

(b) *proof of documents in relation to accommodation, or proof of sufficient means to cover his accommodation;*

(c) *proof of documents indicating that the applicant possesses sufficient means of subsistence both for the duration of the intended stay and for the return to his country of origin or residence, or for the transit to a third country into which he is certain to be admitted, or that he is in a position to acquire such means lawfully, in accordance with Article 6 of the Schengen Borders Code;*

(d) *information enabling an assessment of the applicant's intention to leave the territory of the Member States before the expiry of the visa applied for."*;

(b) ~~in paragraph 2, the introductory words are~~ *is* replaced by the following:

“When applying for an airport transit visa, the applicant shall provide ~~proof of~~;

(a) *proof of documents in relation to the onward journey to the final destination after the intended airport transit;*

(b) *information enabling an assessment of the applicant’s intention not to enter the territory of the Member States.”;*

(12) in Article 15(2), the second subparagraph is replaced by the following:

“In addition, such applicants shall declare, ~~as part of~~ *in* the application form, that they are aware of the need to be in possession of travel medical insurance for subsequent stays.”;

(13) ~~in Article 16(7), the first subparagraph is replaced by the following~~ *is amended as follows:*

(a) *In paragraph 7, the first subparagraph is replaced by the following:*

~~“For applications submitted via the EU application platform, the visa fee shall be charged in euro~~ *The visa fee shall be charged in euro or in the national currency of the third country or in the currency usually used in the third country where the application is lodged* and shall not be refundable except in the cases referred to in ~~Article 18(2)~~ *18(4)* and Article 19(3). ”;

The payment tool referred to in Article 7d of Regulation (EC) No 767/2008 shall be used.

In cases where an electronic payment is not possible, the visa fee may be collected by the consulates or the External Service Provider entrusted with this task.

~~For application not submitted via the EU application platform,~~ When charged in a currency other than the euro, the amount of the visa fee charged in that currency shall be determined and regularly reviewed in application of the euro foreign exchange reference rate set by the European Central Bank. The amount charged may be rounded up, and it shall be ensured under local Schengen cooperation that similar fees are charged *irrespective of which Member State is competent for examining the visa application.”;*

(b) *paragraph 9 is replaced by the following:*

“The Commission shall assess the need to revise the amount of the visa fees set out in paragraphs 1, 2 and 2a of this Article and in Article 32a and Article 33 every three years, taking into account objective criteria, such as the general Union wide inflation rate as published by Eurostat, and the weighted average of the salaries of Member States' civil servants. On the basis of those assessments, the Commission shall adopt, where appropriate, delegated acts in accordance with Article 51a concerning the amendment of this Regulation as regards the amount of the visa fees.”;

(14) ~~in Article 18 the following paragraphs 3 and 4 are added~~ *is amended as follows:*

(a) *paragraph 2 is deleted;*

(b) *the following paragraphs are added:*

~~“3. For applications submitted via the EU application platform, Following the notification by the EU application platform on the automated competence and admissibility pre-check pursuant to Article 7c(9) of Regulation (EC) No 767/2008, the consulate or the central authorities of the Member State notified by the system shall verify whether they are competent to examine and decide on it.~~

4. ~~In cases~~ *If, after the verification* referred to in paragraph 3, ~~if the notified consulate or central authorities of the Member State finds that it is~~ *find that they are* not competent, ~~it they~~ shall, without delay, *inform and* notify the applicant ~~using~~ *through* the secure account service in the EU application platform, ~~indicating~~ *and indicate* which Member State *or consulate* is competent.

~~*If the application is not re-submitted by the applicant to the competent Member State or consulate, the* The applicant may withdraw the application. If the application is withdrawn application data shall be *automatically* deleted from temporary storage, *including biometric data if applicable*, pursuant to Article 7c of Regulation (EC) No 767/2008, *within 15 days and the visa fee shall be refunded.*”;~~

5. *For applications not submitted via the EU application platform, the consulate or the central authorities shall verify whether they are competent to examine and decide on it in accordance with the provisions of Articles 5 and 6. If they are not competent, they shall, without delay, return the application form and any documents submitted by the applicant, reimburse the visa fee, delete the collected biometric data, and indicate which Member State or consulate is competent.*”;

(15) ~~In Article 19, the following paragraph is inserted~~ *is amended as follows:*

(a) ~~the following paragraph 1a is inserted:~~

~~“1a. For applications submitted via the EU application platform, after~~ *Upon* the notification ~~by the EU application platform on~~ *of a positive result of* the automated admissibility pre-check pursuant to Article 7c(9) of Regulation (EC) No 767/2008, ~~indicating that the application is admissible,~~ the consulate or the central authorities of the Member State notified by the system shall conduct the checks in paragraph 1 without delay.”;

(b) the following paragraph 2b is inserted:

~~“2b. For applications submitted via the EU application platform, where the competent consulate or the central authorities of the competent Member State find that the conditions referred to in paragraph 1 have been fulfilled, the application shall be admissible and the competent consulate or the central authorities of the competent Member State shall accept the application.”~~

(c) the following paragraph 4a is added:

~~“4a. For applications submitted via the EU application platform, the competent consulate or the central authorities of the competent Member State shall be able to accept an application which has not been lodged within the period referred to in Article 9(1), notably in justified cases of urgency referred to in Article 9(3).”~~

(16) Article 20 is deleted;

(17) Article 21 is amended as follows:

(a) in paragraph 3, point (a) is replaced by the following

~~“(a) that the travel document provided or presented is not false, counterfeit or forged;”~~

(b) in paragraph 6, point (a) is replaced by the following

~~“(a) that the travel document provided or presented is not false, counterfeit or forged;”~~

(18) Article 24 is amended as follows:

(a) in paragraph 1, third subparagraph, the reference to “point (a) of Article 12” is replaced by reference to “Article 12(1), point (a)”;

(b) in paragraph 2 first subparagraph, the introductory words are replaced by the following:

“Provided that the applicant fulfils the entry conditions set out in Article 6(1), points (a), (c), (d) and (e), of Regulation (EU) 2016/399, multiple-entry visas with a long validity shall be issued for the following validity periods:”;

(c) the following paragraph 2aa is inserted:

~~“2aa. The validity of the multiple-entry visas with a long validity periods shall not be restricted by the validity of the travel document.”~~

(d) *the following paragraphs are inserted:*

“4. As soon as the decision on the issuance of a visa has been taken by the competent authority and made available in the secure account in accordance with Article 7f(2) of Regulation (EC) No 767/2008, the EU visa application platform shall send an electronic message to the applicant in accordance with Article 7f(1) of that Regulation.

The decision shall be made available to the applicant in the secure account.

The notification of decision on the issuance of a visa may be made through other notification means expressed by the applicant and allowed by the Member State.

5. For applications not submitted via the EU application platform, the issuance of a visa shall be notified to applicants by authorities of the issuing Member State.”;

(19) in Article 25, the following paragraph-6 is added:

“6. Issuing a visa in digital format shall not affect the competence of Member States in relation to the recognition of travel documents. This includes those travel documents that are not recognised by one or more, but not all Member States.”;

(20) the following Article-26a is inserted:

*“Article 26a
Digital visas*

Visas shall be issued in digital format *in accordance with Regulation (EC) 1683/95. Digital visas shall be* as a record in *the VIS and shall have* VIS, including a unique visa number.”;

(20a) *Article 27 is replaced by the following:*

***"Article 27
Filling in the data fields of the digital visa***

- 1. The Commission shall, by means of implementing acts, adopt the rules for filling in the data fields of the digital visa laid down in the Annex to Regulation (EC) No 1683/95. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 52(2).**
- 2. Member States may add national entries in the ‘comments’ section of the visa, in accordance with Article 10(1), point (n), of Regulation (EC) No 767/2008. Those entries shall not duplicate the mandatory entries established in accordance with the procedure referred to in paragraph 1.”;**

(20b) *Article 28 is replaced by the following:*

**"Article 28
Invalidation of a completed visa sticker**

If an error is detected on a visa sticker for a visa not issued in digital format, the visa sticker shall be invalidated by drawing a cross with indelible ink on the visa sticker and a digital visa with the correct data shall be issued."

(21) Article 32 is amended as follows:

(a) paragraph 2 is replaced by the following:

~~"2. For applications submitted via the EU application platform, information regarding decisions on refusal and the reasons on which it is based shall be notified to the applicant by secure electronic means in accordance with Article 7f(1) of Regulation (EC) No 767/2008. The notification will contain the same information as set out in Annex VI, in the language of the Member State that has taken the final decision on the application and another official language of the Union.~~

~~Member States may add additional documents to the standard notification, justifying the refusal.~~

~~For applications not submitted via the EU application platform in cases referred to in Article 9(1b), a decision on refusal and the reasons on which it is based shall be notified to the applicant by means of the standard form set out in Annex VI in the language of the Member State that has taken the final decision on the application and another official language of the Union.~~

~~The Commission shall adopt delegated acts in accordance with Article 51a in order to amend the refusal form, as set out in Annex VI or as a notification as referred to in Chapter Ia of Regulation (EC) No 767/2008.;~~

A decision on refusal and the reasons on which it is based, as set out in Annex VI, shall be made available to the applicant in the secure account. The refusal decision shall be in the language of the Member State that has taken the final decision on the application and another official language of the Union. Member States may add additional documents that justify the refusal decision.

As soon as the refusal decision has been taken by the competent authority and made available in the secure account in accordance with Article 7f(2) of Regulation (EC) No 767/2008, the EU visa application platform shall send an electronic message to the applicant in accordance with Article 7f(1) of that Regulation. Where an applicant is represented by another person, a message confirming that the decision has been issued and is available in the EU platform is sent to each of them.

The time limit for lodging an appeal under national law against the decision shall begin from the moment the applicant accesses the decision in the secure account. It shall be counted according to the time zone of the applicant's residence as indicated in the application form.

The decision shall be deemed to have been accessed by the applicant on the eighth day following the information of availability of the decision in the applicant's secure account.

The EU application platform shall indicate the actual or presumed date of notification of the decision. In case of a presumed notification an automatic electronic message shall be sent to the applicant by the EU application platform.

If the secure account cannot be used for technical reasons, applicants may contact the competent consulate or the central authority or the external service provider.

The notification of decisions referred to in paragraph 2 may be made through other notification means expressed by the applicant and allowed by the Member State.

For applications not submitted via the EU application platform in cases referred to in Articles 9(1b) and 35, a decision on refusal and the reasons on which it is based shall be notified to the applicant by means of the standard form set out in Annex VI in the language of the Member State that has taken the final decision on the application and another official language of the Union.”;

- (b) in paragraph 3, the third sentence is replaced by the following:

“Member States shall provide applicants with information regarding the procedure to be followed in the event of an appeal, as specified ~~as specified in Annex VI or in the refusal notification sent via the EU application platform.~~”;

- (22) the following Article ~~32a~~ is inserted:

“Article 32a

Confirmation of a valid visa in a new travel document

1. Visa holders whose travel document has been lost, stolen, *has expired* or has ~~expired~~*been invalidated* and whose visa is still valid ~~may~~ *shall* apply for the confirmation of the visa linked to a new travel document, *if they wish to continue using the visa. The new travel document shall be of the same type and issued by the same country as the lost, stolen, expired or invalidated travel document. The visa shall be confirmed by the authority which issued the visa or by another authority of the same Member State as communicated by the Member State which issued the visa.*

2. The visa holders referred to in paragraph 1 shall apply for confirmation of the visa in a new travel document via the EU application platform referred to in Chapter Ia of Regulation (EC) No 767/2008, **by using a simplified application form**. They shall provide the following personal data:
 - (a) *surname, surname at birth, first name, ~~date~~ date and place of birth, sex, nationality;*
 - (b) number of the visa;
 - (c) data of the lost, stolen, *expired or invalidated*~~or expired~~ travel document;
 - (d) data of *the* new travel document;
 - (e) ~~scan of biometric data~~ *electronic copy of the biographic data* page;
 - (f) proof of loss or theft of the travel document ~~or expiry;~~
 - (g) *where applicable, identity changes since previous visa issuance.*
3. The visa holder shall pay the visa confirmation fee of EUR ~~30~~20.
4. The visa holder shall be required to appear in person ~~for the presentation of the new travel document in order to verify that this travel document corresponds to the scanned copy uploaded via the EU application platform, and that bearer of the travel document corresponds to the person for whom a visa was issued.~~ **as communicated by the Member State.**
5. The new travel document shall fulfil *the* conditions laid down in Article 12 **and shall be verified in accordance with that article.**
 - 5a. **Without prejudice to the respective consultation rights, the competent consulate or central authorities of the competent Member State may consult the databases mentioned in art. 9a(3) of Regulation (EC) 767/2008 when a confirmation of visa is requested.**
6. Where the competent consulate or the central authorities of the competent Member State determines that the valid visa can be confirmed in a new travel document, it shall enter the data in the application file in VIS **in accordance with**~~pursuant to~~ Article 12a of Regulation (EC) No 767/2008.

7. ~~The fact that a visa is confirmed~~ ***As soon as a decision on the confirmation of a visa in a new travel document shall be notified to the applicant by secure electronic means has been taken by the competent authority and made available in the secure account in accordance with Article 7f(2) of Regulation (EC) No 767/2008, the EU visa application platform shall send an electronic message to the visa holder in accordance with Article 7f(1) of that Regulation.***

The confirmation of a visa in a new travel document shall be made available to the applicant in the secure account. That confirmation shall be attested by a confirmation number.

8. Where the competent consulate or the central authorities of the competent Member State cannot determine whether the valid visa can be confirmed in a new travel document, notably because of doubts regarding the identity of the visa holder, it shall:
- (a) refuse the confirmation; ***and***
 - (b) revoke the valid visa, in accordance with Article 34.
9. The ~~procedure~~ ***negative decision*** regarding the confirmation of a valid visa in a new travel document shall not preclude the visa holder ~~to submit~~ ***from submitting*** a new visa application; ***This shall be without prejudice to the right of the applicant to appeal in accordance with Article 34(7).***”;

(23) Article 33 is amended as follows:

- (a) paragraph 6 is replaced by the following:

“6. ***Member States may allow*** visa holders ~~may~~ ***to*** apply for extension ~~online~~ via the EU application platform ***by using a simplified application form. In this case, visa holders.*** They shall provide ***the following:***

- (a) personal data,
- (b) ***the*** number of ***the*** visa and ***the*** travel document,
- (c) ***an electronic copy of the*** ~~upload~~ supporting documents proving force majeure, humanitarian reasons and/or serious personal reasons ~~preventing~~ ***which prevent*** them from leaving the territory of the Member States, ~~and~~ ***before the expiry of the period of validity or of the duration of stay authorised by the visa.***

Those visa holders shall pay the fee of EUR 30 only in case of serious personal reasons referred to in paragraph 2.”;

(b) the following paragraph 8 is added:

~~“8. When a visa is extended pursuant to paragraphs 1 to 7 of this Article~~ ***As soon as the decision on the extension of the visa requested*** via the EU application platform, ~~the extension shall be notified to the applicant by secure electronic means~~ ***has been taken by the competent authority and made available in the secure account*** in accordance with Article ~~7f(2)~~ of Regulation (EC) No 767/2008, ***the EU visa application platform shall send an electronic message to the visa holder in accordance with Article 7f(1) of that Regulation.***;

The decision whether a visa is extended shall be made available to the visa holder in the secure account. Member States may add additional documents that justify the decision.”;

(24) Article 34 is amended as follows:

(a) paragraphs 5 and 6 are replaced by the following:

“5. If a visa not issued in digital format is annulled or revoked, a stamp stating ‘ANNULLED’ or ‘REVOKED’ shall be affixed to it and the optically variable feature of the visa sticker, the security feature ‘latent image effect’ as well as the term ‘visa’ shall be invalidated by being crossed out.

6. A decision on annulment or revocation of a visa and the reasons on which it is based shall be issued in digital format by entering the data into the VIS, ~~pursuant to Article 12 of Regulation (EC) No 767/2008, and notified to the applicant by secure electronic means~~ in accordance with Article ~~7f(3)~~ of Regulation (EC) No 767/2008 ~~or by means of the standard form set out in Annex VI for applications not submitted via the EU application platform. The notification shall contain the information set out in Annex VI.~~;

A decision on annulment or revocation and the reasons on which it is based, as set out in Annex VI, shall be made available to the visa holder in the secure account. The annulment or revocation decision shall be in the language of the Member State that has taken the final decision on the application and another official language of the Union. Member States may add additional documents that justify the decision.

As soon as the decision on the annulment or revocation, as relevant, has been taken by the competent visa authority and made available in the secure account in accordance with Article 7f(2) of Regulation (EC) No 767/2008, the EU visa application platform shall send an electronic message to the visa holder in accordance with Article 7f(1) of that Regulation. Where a visa holder is represented by another person, a message confirming that the decision has been issued and is available in the EU platform is sent to each of them.

The time limit for lodging an appeal under national law against the decision shall begin from the moment the visa holder accesses to the decision in the secure account. It shall be counted according to the time zone of the visa holder's residence as indicated in the application form.

The decision shall be deemed to have been accessed by the visa holder on the eighth day following the notice of availability of the decision in the visa holder's secure account.

The EU application platform shall indicate the actual or presumed date of notification of the decision. In case of a presumed notification an automatic electronic message shall be sent to the visa holder by the EU application platform.

If the secure account cannot be used for technical reasons, the visa holder may contact the competent consulate or the central authority or the external service provider.

The notification of decisions referred to in paragraph 6 may be made through other notification means expressed by the visa holder and allowed by the Member State.

For applications not submitted via the EU application platform, a decision on annulment or revocation of a visa and the reasons on which it is based shall be notified to the visa holder by means of the standard form set out in Annex VI in the language of the Member State that has taken the final decision on the application and another official language of the Union.";

- (b) in paragraph 7, the third sentence is replaced by the following:

*“Member States shall provide ~~applicants~~ **visa holders** with information regarding the procedure to be followed in the event of an appeal, as set out in Annex VI ~~or in the notification sent via the EU application platform.~~”;*

(24a) In Article 35, the following paragraph is added:

“8. Member States may allow third-country nationals to apply for a visa at the external border via the EU application platform. In such cases, the Member States shall notify the applicant of its decision taken on the visa application by making it available to the applicant via the applicant’s secure account on the EU application platform in accordance with Article 7f(2) of Regulation 767/2008. As soon as the decision has been made available on the applicant’s secure account, the EU application platform shall send an electronic message to the applicant in accordance with Article 7f(1) of Regulation 767/2008.”;

(25) Article 37 is amended as follows:

(a) paragraph 2 is replaced by the following: *deleted*;

~~“2. For Member States which do not issue visas in digital format, the storage and handling of visa stickers shall be subject to adequate security measures to avoid fraud or loss. Each consulate shall keep an account of its stock of visa stickers and register how each visa sticker has been used. Any significant loss of blank visa stickers shall be reported to the Commission.”;~~

(b) in paragraph 3, the first sentence is replaced by the following:

“As a general rule, consulates or central authorities shall keep archives of applications in electronic format.”;

(26) Article 38 is amended as follows:

(a) paragraph 1a is replaced by the following:

“Member States shall ensure that the entire visa procedure in consulates, including the lodging and handling of applications and the practical cooperation with external service providers, is monitored by expatriate staff to ensure the integrity of all stages of the procedure.”;

(b) the following paragraph ~~3e~~ is inserted:

“3c. Based on training materials developed by eu-LISA or the Commission, Member States’ central authorities shall provide appropriate training to *each of* their staff *and external service providers* regarding the EU application platform.”;

(26a) *In Article 40, paragraph 2 point (a) is replaced by the following:*

"(a) equip their consulates and authorities responsible for issuing visas at the borders with the requisite material for the collection of biometric identifiers;"

(27) Article 42 is deleted.

(28) Article 43 is amended as follows:

(a) paragraph 4 is replaced by the following:

"4. Only the consulates or the central authorities shall examine the—The examination of applications, conduct the interviews, where appropriate, and ~~the~~take a decision on applications—shall be carried out only by the consulate."

(b) in paragraph 5, the following second subparagraph is added:

"By way of derogation, only duly authorised staff of external service providers may have access to the EU application platform via the external service provider gateway referred to in Article 7e of Regulation (EC) No 767/2008, and only to:

- (a) verify the data uploaded by the applicant;
- (b) upload biometric identifiers;
- (c) upload *copies of* the supporting documents;
- (d) use the appointment tool to indicate available slots."

(c) paragraph 6 is amended as follows:

(1) point (c) is replaced by the following:

"(c) collecting data and, if applicable, applications (including collection of biometric identifiers and, in the exceptional cases referred to in Article 10(1a), supporting documents and documents needed for identity checks), transmitting them to the consulate or the central authorities where applicable in case of documents and information not received by these authorities, and uploading them to the EU application platform;"

(2) the following point (ca) ~~is~~ **points are** inserted:

“(ca) ~~verify~~**verifying** the travel document against the *electronic* copy uploaded by the applicant;

(caa) *verifying that the holder of the travel document corresponds to the person for whom a visa application is processed, in cases where Article 12, paragraph 2 applies;*”;

(29) ~~in Article 44, the following paragraph 1a is inserted~~ **is amended as follows:**

(a) **paragraph 1 is replaced by the following:**

"1. In the case of cooperation among Member States and cooperation with an external service provider, the Member State(s) concerned shall ensure that data are fully encrypted, whether transferred electronically or physically on an electronic storage medium.”;

(b) **the following paragraph is inserted:**

"1a. ~~Paragraph 1 shall not apply to~~The access that external service providers may have to the EU application platform via the external service provider gateway referred to in Article 7e of Regulation (EC) No 767/2008 shall be protected by another secure encryption system than the one referred to in paragraph 1.”;

(30) ~~in Article 47, the following paragraph 3 is added~~ **is amended as follows:**

(a) **point (e) of paragraph 1 is deleted;**

(b) **the following paragraph is added:**

"3. The EU application platform shall provide the general public with all relevant information in relation to the application for a visa via the EU application platform, in particular the information referred to in Article 7a of Regulation (EC) No 767/2008.”;

(31) ~~in Article 51a(2), (3) and (6) the reference to "Article 16(9)" is replaced by reference to "Article 11(1), Article 16(9) and Article 32(2)";~~

(32) ~~in Article 53(1), point (f) is replaced by the following:~~

“(f) ~~for Member States which do not issue visas in digital format, the additional national entries in the ‘comments’ section of the visa sticker, as referred to in Article 27(2);;~~”

(32a) Annex I is replaced by the following:

Annex I

**Harmonised application form
Application for Schengen Visa
This application form is free**



*Family members of EU, EEA or CH citizens or of UK nationals who are Withdrawal Agreement beneficiaries shall not fill in fields no. 21, 22, 30, 31 and 32 (marked with *).*

Fields 1-3 shall be filled in in accordance with the data in the travel document.

1. Surname (Family name):		<i>FOR OFFICIAL USE ONLY</i>	
2. Surname at birth (Former family name(s)):		<i>Date of application:</i>	
3. First name(s) (Given name(s)):		<i>Application number:</i>	
4. Date of birth (day-month-year):	5. Place of birth: 6. Country of birth:	7. Current nationality: <i>Nationality at birth, if different:</i> <i>Other nationalities:</i>	<i>Application lodged at:</i> <input type="checkbox"/> <i>Embassy/consulate</i> <input type="checkbox"/> <i>Service provider</i> <input type="checkbox"/> <i>Commercial intermediary</i>
8. Sex: <input type="checkbox"/> <i>Male</i> <input type="checkbox"/> <i>Female</i> <input type="checkbox"/> <i>Other</i>	9. Civil status: <input type="checkbox"/> <i>Single</i> <input type="checkbox"/> <i>Married</i> <input type="checkbox"/> <i>Registered Partnership</i> <input type="checkbox"/> <i>Separated</i> <input type="checkbox"/> <i>Divorced</i> <input type="checkbox"/> <i>Widow(er)</i> <input type="checkbox"/> <i>Other (please specify):</i>		<input type="checkbox"/> <i>Border (Name):</i>

¹ *No logo is required for Norway, Iceland, Liechtenstein and Switzerland.*

				<input type="checkbox"/> <i>Other:</i>
10. Parental authority (in case of minors) /legal guardian (surname, first name, address, if different from applicant's, telephone no., e-mail address, and nationality):				File handled by:
11. National identity number, where applicable:				Supporting documents:
12. Type of travel document: <input type="checkbox"/> <i>Ordinary passport</i> <input type="checkbox"/> <i>Diplomatic passport</i> <input type="checkbox"/> <i>Service passport</i> <input type="checkbox"/> <i>Official passport</i> <input type="checkbox"/> <i>Special passport</i> <input type="checkbox"/> <i>Other travel document (please specify):</i>				<input type="checkbox"/> <i>Travel document</i> <input type="checkbox"/> <i>Means of subsistence</i> <input type="checkbox"/> <i>Invitation</i>
13. Number of travel document:	14. Date of issue:	15. Valid until:	16. Issued by (country):	<input type="checkbox"/> <i>TMI</i> <input type="checkbox"/> <i>Means of transport</i>
17. Personal data of the family member who is an EU, EEA or CH citizen or a UK national who is a Withdrawal Agreement beneficiary, if applicable				<input type="checkbox"/> <i>Other:</i>
Surname (Family name):		First name(s) (Given name(s)):		Visa decision:
Date of birth (day-month-year):	Nationality:	Number of travel document or ID card:		<input type="checkbox"/> <i>Refused</i> <input type="checkbox"/> <i>Issued:</i>
18. Family relationship with an EU, EEA or CH citizen or a UK national who is a Withdrawal Agreement beneficiary, if applicable: <input type="checkbox"/> <i>spouse</i> <input type="checkbox"/> <i>child</i> <input type="checkbox"/> <i>grandchild</i> <input type="checkbox"/> <i>dependent ascendant</i> <input type="checkbox"/> <i>Registered Partnership</i> <input type="checkbox"/> <i>other:</i>				<input type="checkbox"/> <i>A</i> <input type="checkbox"/> <i>C</i> <input type="checkbox"/> <i>LTV</i>
19. Applicant's home address and e-mail address:			Telephone no.:	<input type="checkbox"/> <i>Valid:</i>
20. Residence in a country other than the country of current nationality: <input type="checkbox"/> <i>No</i> <input type="checkbox"/> <i>Yes. Residence permit or equivalent No.</i>				From: Until:

..... <i>Valid until</i>		
*21. Current occupation:		Number of entries:
* 22. Employer and employer's address and telephone number. For students, name and address of educational establishment:		<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> Multiple
23. Purpose(s) of the journey: <input type="checkbox"/> Tourism <input type="checkbox"/> Business <input type="checkbox"/> Visiting family or friends <input type="checkbox"/> Cultural <input type="checkbox"/> Sports <input type="checkbox"/> Official visit <input type="checkbox"/> Medical reasons <input type="checkbox"/> Study <input type="checkbox"/> Airport transit <input type="checkbox"/> Other (please specify):		Number of days:
24. Additional information on purpose of stay:		
25. Member State of main destination (and other Member States of destination, if applicable):	26. Member State of first entry:	
27. Number of entries requested: <input type="checkbox"/> Single entry <input type="checkbox"/> Two entries <input type="checkbox"/> Multiple entries Intended date of arrival of the first intended stay in the Schengen area: Intended date of departure from the Schengen area after the first intended stay:		
28. Fingerprints collected previously for the purpose of applying for a Schengen visa: <input type="checkbox"/> No <input type="checkbox"/> Yes. Date, if known Visa number, if known		
29. Entry permit for the final country of destination, where applicable: Issued by Valid from until		
*30. Surname and first name of the inviting person(s) in the Member State(s). If not applicable, name of hotel(s) or temporary accommodation(s) in the Member State(s):		

<i>Address and e-mail address of inviting person(s)/hotel(s)/temporary accommodation(s):</i>	<i>Telephone no.:</i>	
<i>*31. Name and address of inviting company/organisation:</i>		
<i>Surname, first name, address, telephone no., and e-mail address of contact person in company/organisation:</i>	<i>Telephone no. of company/organisation:</i>	
<i>*32. Cost of travelling and living during the applicant's stay is covered:</i>		
<input type="checkbox"/> <i>by the applicant himself/herself</i> <i>Means of support:</i> <input type="checkbox"/> <i>Cash</i> <input type="checkbox"/> <i>Traveller's cheques</i> <input type="checkbox"/> <i>Credit card</i> <input type="checkbox"/> <i>Pre-paid accommodation</i> <input type="checkbox"/> <i>Pre-paid transport</i> <input type="checkbox"/> <i>Other (please specify):</i>	<input type="checkbox"/> <i>by a sponsor (host, company, organisation), please specify:</i> <input type="checkbox"/> <i>referred to in field 30 or 31</i> <input type="checkbox"/> <i>other (please specify):</i> <i>Means of support:</i> <input type="checkbox"/> <i>Cash</i> <input type="checkbox"/> <i>Accommodation provided</i> <input type="checkbox"/> <i>All expenses covered during the stay</i> <input type="checkbox"/> <i>Pre-paid transport</i> <input type="checkbox"/> <i>Other (please specify):</i>	
<i>33. Surname and first name of the person filling in the application form, if different from the applicant:</i>		
<i>Address and e-mail address of the person filling in the application form:</i>	<i>Telephone no.:</i>	

I am aware that the visa fee is not refunded if the visa is refused.

Applicable in case a multiple-entry visa is issued:

I am aware of the need to have an adequate travel medical insurance for my first stay and any subsequent visits to the territory of Member States.

I am aware of and consent to the following: the collection of the data required by this application form and the taking of my photograph and, if applicable, the taking of fingerprints, are mandatory for the examination of the application; and any personal data concerning me which appear on the application form, as well as my fingerprints and my photograph will be supplied to the relevant authorities of the Member States and processed by those authorities, for the purposes of a decision on my application.

Such data as well as data concerning the decision taken on my application or a decision whether to annul, revoke or extend a visa issued will be entered into, and stored in the Visa Information System (VIS) for a maximum period of five years, during which it will be accessible to the visa authorities and the authorities competent for carrying out checks on visas at external borders and within the Member States, immigration and asylum authorities in the Member States for the purposes of verifying whether the conditions for the legal entry into, stay and residence on the territory of the Member States are fulfilled, of identifying persons who do not or who no longer fulfil these conditions, of examining an asylum application and of determining responsibility for such examination. Under certain conditions the data will be also available to designated authorities of the Member States and to Europol for the purpose of the prevention, detection and investigation of terrorist offences and of other serious criminal offences. The authority of the Member State responsible for processing the data is:

***[(.....)
.....)].***

I am aware that I have the right to obtain, in any of the Member States, notification of the data relating to me recorded in the VIS and of the Member State which transmitted the data, and to request that data relating to me which are inaccurate be corrected and that data relating to me processed unlawfully be deleted. At my express request, the authority examining my application will inform me of the manner in which I may exercise my right to check the personal data concerning me and have them corrected or deleted, including the related remedies according to the national law of the Member State concerned. The national supervisory authority of that Member State [contact details:

.....
.....] will hear claims concerning the protection of personal data.

I declare that to the best of my knowledge all particulars supplied by me are correct and complete. I am aware that any false statements will lead to my application being rejected or to the annulment of a visa already granted and may also render me liable to prosecution under the law of the Member State which deals with the application.

I undertake to leave the territory of the Member States before the expiry of the visa, if granted. I have been informed that possession of a visa is only one of the prerequisites for entry into the European territory of the Member States. The mere fact that a visa has been granted to me does not mean that I will be entitled to compensation if I fail to comply with the relevant provisions of Article 6(1) of Regulation (EU) No 2016/399 (Schengen Borders Code) and I am therefore refused entry. The prerequisites for entry will be checked again on entry into the European territory of the Member States.

Place and date:

*Signature of applicant:
(signature of parental authority/legal guardian, if applicable):*

(33) Annex III is deleted.

(34) *Annex V is amended as follows:*

“UNITED KINGDOM

UK Biometric Residence Permit (BRP) (for citizens from non-EU countries)”.

Article 2

Amendments to Regulation (EC) No 767/2008

Regulation (EC) No 767/2008 is amended as follows:

(1) Article 2a is amended as follows:

(a) paragraph 1 is amended as follows:

(1) the following point is inserted:

“(fa) EU application platform;”;

(2) the following subparagraphs *is are* added:

“The EU application platform shall share and re-use as much as technically possible the hardware and software components of the EES web service and the ETIAS website and the app for mobile devices.

The EU application platform shall be developed so as to enable the Member States not yet fully applying the Schengen acquis to seamlessly connect and smoothly use the platform as soon as a Council decision in accordance with Article 3(2) of the 2003 Act of Accession or Article 4(2) of the 2005 Act of Accession has been taken.”;

(b) the following paragraph 6 is added:

“6. The EU application platform shall consist of the following components:

(a) a public website and an app for mobile devices;

(b) temporary storage capacity;

(c) a secure account service;

(d) a verification tool for applicants;

- (e) web-service for visa holders
- (f) an email service;
- (g) a payment tool;
- (h) an appointment tool;
- (i) an external service provider gateway;
- (j) a configuration module that shall cater for eu-LISA, central authorities and consulates;
- (k) a software to ~~generate and~~ read encrypted 2D barcode;
- (l) a secure web service enabling the components of the EU application platform to communicate;
- (m) a helpdesk function to be managed by eu-LISA;
- (n) read-only copy of VIS database.;
- (o) a functionality allowing the applicant to print documents;**
- (p) a chatbot;**
- (q) a secured communication infrastructure for Member States to access the platform.”;**

(c) the following paragraph 7 is added:

"7. A Member State not applying the Schengen acquis in full may request the Agency to introduce links through the inclusion of a Uniform Resource Locator (URL) in the website referred to in paragraph 6 point (a) pointing to the relevant national application procedure of the Member State concerned.”;

(2) ~~in Article 4, point 2 is replaced by the following~~ **is amended as follows:**

(a) point 2 is replaced by the following:

“2. ‘digital visa’ means the visa *issued* in digital format referred to in Article 26a of Regulation (EC) No 810/2009 *in accordance with Regulation (EC) 1683/95;*”;

(b) *points 15 and 16 are added:*

"15. 'read-only copy of VIS database' means a subset of data from the VIS relevant for the purpose of this Regulation with exception of biometric data.

16. 'chatbot' means a software that simulates human conversation through text or voice interactions."

(3) the following Chapter Ia is inserted:

“CHAPTER Ia EU ONLINE VISA APPLICATION PLATFORM

Article 7a

General public information on the ~~EU-application~~ EU application platform

1. The EU Online Visa Application Platform ('EU Application Platform') shall provide general information to the public as referred to in Article 47 of Regulation (EC) No 810/2009.

1a. The application platform shall display the entry conditions laid down in Article 6 of Regulation (EU) 2016/399.

The Commission and the Member States shall be responsible for providing the information, in accordance with their respective responsibilities set out in paragraphs 2 to 4 of this Article.

2. eu-LISA shall be responsible for publishing and updating the following– general public information on the ~~EU-application~~ **EU application** platform, upon receiving the following information from the Commission or the Member States:

(a) the visa requirements, including visa lists, visa waiver agreements; including for diplomatic and service passports, and including cases of possible suspension of visa-free travel, under Articles 3, 4, 5, 7, 8 of Regulation (EU) 2018/1806 and Annexes I and the II thereto, as well as information pursuant to Directive 2004/38/EC, *an agreement between the Union and its Member States, on the one hand, and third countries, on the other, that provides the right of free movement equivalent to that of Union citizens* and EU-UK Withdrawal Agreement;

- (b) the amount of the visa fees referred to in Article 16 of Regulation (EC) No 810/2009; reduced or higher fees in case of visa facilitation agreement, or a readmission-related measure stemming from— Article 25a of that Regulation, as well as Directive 2004/38/EC, *an agreement between the Union and its Member States, on the one hand, and third countries, on the other, that provides the right of free movement equivalent to that of Union citizens* and the EU-UK Withdrawal Agreement;
- (c) where applicable, harmonised lists of supporting documents, established in accordance with Article 14(5a) of Regulation (EC) No 810/2009;
- (d) where applicable, travel medical insurance requirements, in accordance with Article 15 of Regulation (EC) No 810/2009.

In case a Member State provides the information, eu-LISA shall configure the EU application platform upon confirmation of this information from the Commission.

3. The central ~~visa~~ authorities shall be responsible for inputting the following elements:
 - (a) locations of consulates and their territorial competence referred to in Article 6 of Regulation (EC) No 810/2009;
 - (b) representation agreements or arrangements referred to in Article 8 of Regulation (EC) No 810/2009;
 - (c) use of external service providers and their locations referred to in Article 43 of Regulation (EC) No 810/2009;
 - (d) supporting documents referred to in Article 14 of Regulation (EC) No 810/2009, as well as those applicable pursuant to Directive 2004/38/EC and the EU-UK Withdrawal Agreement;
 - (e) optional visa waivers referred to in Article 6 of Regulation (EU) 2018/1806;
 - (f) optional visa fee waivers referred to in Article 16(5) Regulation (EC) No 810/2009.

4. The consulate or the central authorities of the competent Member State shall be responsible for inputting the following elements:
 - (a) ~~contact details and~~ access rights of external service providers including for the appointment tool;
 - (b) appointment tool, including available slots *and contact details of consulates and external service providers*;
 - (c) ~~number of applications accepted per week/month.~~

5. ***The EU application platform shall include a chatbot. The chatbot shall be designed to dialogue with its users by providing answers on the visa application procedure, on the rights and obligations of applicants and visa holders, the entry conditions for third-country nationals, contact details, and data protection rules.***

The Commission shall, by means of an implementing act, define the technical specifications concerning the chatbot included in the platform. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 49(2).

Article 7b
~~Online~~ *Application form*

1. ***Without prejudice to Article 9(1b) of Regulation (EC) 810/2009, each applicant shall submit a ~~completed online~~ application referred to in Article 11 of *that* Regulation (EC) No 810/2009, using the EU application platform.***
- 1a. ***The EU application platform shall provide the information to each applicant as referred to in Articles 37 and 38.***
2. Without prejudice to Article 7ba, the applicant shall provide, ***if applicable***, the following personal data in the application form: ***as set out in Annex I of Regulation (EC) 810/2009.***
- (1) ~~surname(s) (family name);~~
 - (2) ~~surname at birth (former family name(s));~~
 - (3) ~~first name(s) (given name(s));~~
 - (4) ~~date of birth (day-month-year);~~
 - (5) ~~place of birth;~~
 - (6) ~~country of birth;~~
 - (7) ~~current nationality; nationalities at birth, if different; other nationalities;~~
 - (8) ~~sex;~~
 - (9) ~~civil status;~~
 - (10) ~~parental authority (in case of minors) /legal guardian (surname, first name, address, if different from the applicant's, telephone number, e-mail address, and nationality);~~

- (11) national identity number, where applicable;
- (12) type of travel document;
- (13) number of the travel document;
- (14) date of issue;
- (15) valid until;
- (16) issued by (country);
- (17) ~~personal data of the family member who is a mobile e EU, EEA or CH citizen or who is a UK national beneficiary of the EU-UK Withdrawal Agreement in the host State for which the visa application is made, if applicable: surname (family name), first name(s) (given name(s)), date of birth, nationality, number of travel document or ID card;~~
- (18) ~~Family relationship with a mobile EU, EEA or CH citizen or with a UK national who is a beneficiary of the EU-UK Withdrawal Agreement in the host State for which the visa application is made, if applicable~~
- (19) ~~Applicant's home address and email address, telephone number;~~
- (20) ~~residence in a country other than the country of current nationality;~~
- (21) ~~current occupation;~~
- (22) ~~employer and employer's address and telephone number: for students name and address of educational establishment;~~
- (23) ~~purpose(s) of the journey;~~
- (24) ~~additional information on purpose of stay;~~
- (25) ~~Member State of main destination (and other Member States of destination, if applicable);~~
- (26) ~~Member State of first entry;~~
- (27) ~~number of entries requested; intended date of arrival of the first intended stay in the Schengen area; Intended date of departure from the Schengen area after the first intended stay;~~

- (28) ~~fingerprints collected previously for the purpose of applying for a Schengen visa; date (if known); visa number, if known;~~
- (29) ~~entry permit for the final country of destination, where applicable;~~
- (30) ~~surname and first name of the inviting person(s) in the Member State(s). If not applicable, name of hotel(s) or temporary accommodation(s) in the Member State(s);~~
- (31) ~~name and address of inviting company/organisation~~
- (32) ~~how the cost of travelling and living during the applicant's stay is covered;~~

~~The applicant shall also provide an email address.~~

All such data shall be recorded and stored *in the* temporary storage capacity in line with the data retention periods defined in Article 7c.

3. The EU application platform shall also contain a secure account service. The secure account service shall have the possibility for the applicant to keep the data provided for subsequent applications, but only if the applicant freely and explicitly consents to such storage, *within the meaning of Article 4, point (11) of Regulation (EU) 2016/679*.

The secure account service shall contain the possibility for the applicant to submit application in several steps. The Commission shall adopt ~~delegated~~ **implementing** acts in accordance with Article 48a in order to define the requirements of the secure account service, including *the modalities of access and authentication*, the retention period for data stored therein and for uncompleted applications or applications which do not pass the competence and admissibility check.

4. The ~~data~~ *alphabetic characters* referred to in paragraph 2 ~~shall be introduced, entered~~ by the applicant, *shall be* in Latin alphabet characters.
5. On submission of the ~~online~~ application form, the EU application platform shall collect the IP address from which the application form was submitted and add it as part of data of the application.
6. The Commission shall, ~~by means of implementing acts, define the content of a~~ *adopt delegated acts in accordance with Article 48a to supplement this Regulation by setting out* simplified application forms *in the EU application platform to be used in the procedures* for confirmation of valid visas in a new travel document, ~~as referred to in~~ *under* Article 32a of Regulation (EC) No 810/2009, ~~and or~~ for extension of visas, ~~as referred to in~~ *under* Article 33 of that Regulation, using the EU application platform *respectively, where* those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 49(2) *procedures are carried out using the EU application platform*.

7. The Commission shall, by means of implementing acts, define the requirements concerning the format of the personal data referred to in paragraphs 2 and 5 of this Article to be inserted in the application form as well as parameters and verifications to be implemented for ensuring the completeness of the application and the coherence of those data. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 49(2).

Article 7ba

~~*Specific provisions on the use of the EU application platform by family members of Union citizens or of other third-country nationals enjoying the right of free movement under Union law or of UK nationals who are beneficiaries of the EU-UK Withdrawal Agreement*~~

1. A third-country national who is a family member of a Union citizen to whom Directive 2004/38/EC applies or of a third-country national enjoying the right of free movement equivalent to that of Union citizens under an agreement between the Union and its Member States, on the one hand, and a third country, on the other, may lodge an application for a visa, without using the EU application platform and be entitled to lodge the application in person at the consulate or at the external service providers premises, at their choice.
2. Where a third-country national who is a family member of a Union citizen to whom Directive 2004/38/EC applies or of a third-country national enjoying the right of free movement equivalent to that of Union citizens under an agreement between the Union and its Member States, on the one hand, and a third country, on the other, applies for a visa using the EU application platform, the application process shall be carried out in accordance with Directive 2004/38/EC ***or with an agreement between the Union and its Member States, on the one hand, and a third country on the other, that provides the right of free movement equivalent to that of Union citizens.***
3. In particular, the EU application platform shall be designed so as to ensure that the following specific rules shall apply:
 - (a) the visa fee shall be waived;
 - (b) in the visa application form, the applicant shall not provide the following personal data:
 - (a) Current occupation
 - (b) Employer and employer's address and telephone number: for students name and address of educational establishment
 - (c) Surname and first name of the inviting person(s) in the Member State(s). If not applicable, name of hotel(s) or temporary accommodation(s) in the Member State(s)

- (d) Name and address of inviting company/organisation
 - (e) Means of how the cost of travelling and living during the applicant's stay is covered.
- (c) the applicant should be able to submit documents establishing that he/she is a member of the family of a Union citizen to whom Directive 2004/38/EC applies or of a third-country national enjoying the right of free movement equivalent to that of Union citizens under an agreement between the Union and its Member States, on the one hand, and a third country, on the other. The applicant should not be requested to submit supporting documents referred to under Article 14 of Regulation (EC) No 810/2009 nor proof of possession of adequate and valid travel medical insurance in accordance with Article 15 of Regulation (EC) No 810/2009 should not be requested.
- (d) by way of derogation from Article 7c(8), the automated admissibility pre-check shall only verify whether:
- (a) all the required fields of the application form are filled in;
 - (b) proof of holding a valid passport in accordance with Directive 2004/38/EC, ***or with an agreement between the Union and its Member States, on the one hand, and a third country, on the other, that provides the right of free movement equivalent to that of Union citizens,*** is provided;
 - (c) the biometric data of the applicant have been collected, if applicable.
- (e) where a visa is issued, in the notification laid down in Article 7f, the applicant shall receive a reminder that the family member of a citizen exercising the right of free movement who is in possession of a visa only has a right to enter if that family member is accompanied by or joining the Union citizen or other third-country national exercising his or her right of free movement.
4. Paragraphs 1 and 2 also apply where a third-country national who is a family member of a Union citizen to whom Directive 2004/38/EC applies or of a third-country national enjoying the right of free movement equivalent to that of Union citizens under an agreement between the Union and its Member States, on the one hand, and a third country, on the other, requires a visa extension or a confirmation of the visa in a new travel document. The visa extension fee and the visa confirmation fee shall be waived.
5. Paragraphs 1 to 4 shall apply mutatis mutandis to family members of UK nationals who themselves are beneficiaries of the EU-UK Withdrawal Agreement in the host State for which the visa application is made.

Article 7c
Application process using the EU application platform

1. Upon submission of the application form pursuant to Article 7b, the EU application platform shall determine the type of visa applied for, and conduct an automated competence pre-check to ~~automatically~~ pre-determine the competent Member State on the basis of the ~~data~~ **number of days and Member State of first entry**, provided by the applicant. **The applicant may indicate that his/her application be dealt by another Member State according to the main purpose of stay.** This shall not preclude the manual verification of the competence by the Member States in accordance with Article 18(3) of Regulation (EC) No 810/2009.

The EU application platform shall be designed in such a way to allow applicants to indicate whether they are legally present, but not residing in a jurisdiction, as referred to in Article 6 (2) of Regulation (EC) No 810/2009

2. Applicants shall be able to use the EU application platform to submit a ~~scanned~~ **electronic** copy of the travel document in electronic format, as well as supporting documents and proof of travel medical insurance in digital format, as applicable, pursuant to Regulation (EC) No 810/2009 or Directive 2004/38/EC **or an agreement between the Union and its Member States, on the one hand, and a third country, on the other, that provides the right of free movement equivalent to that of Union citizens.**
3. The Commission shall, by means of implementing acts, define the technical requirements concerning the format of supporting documents, travel medical insurance and copy of travel document in electronic format. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 49(2).
4. ~~If necessary~~ **Where applicable**, the applicant shall be able to use the EU application platform to pay the visa fee using the **secure** payment tool referred to in Article 7d.
5. The EU application platform shall be able to check in the read-only copy of VIS whether the applicant's biometrics were taken in the last 59 months and whether the applicant has already applied with the same travel document:

Where this is the case, the EU application platform shall notify the applicant that no visit to consulate or external service provider is required to lodge the application;

Where this is not the case, the EU application platform shall notify the applicant to arrange a visit to consulate or external service provider, as required, to lodge the application.

6. If a visit to consulate or external service provider is necessary in accordance with Regulation (EC) No 810/2009, a Member State may decide to use the appointment tool referred to in Article 7d for this purpose.
7. The applicant shall submit the application, including declaration of the authenticity, completeness, correctness and reliability of data.
8. After the applicant submits the application via the EU application platform, the EU application platform shall perform an automated admissibility pre-check.

The automated admissibility pre-check shall ~~automatically~~ verify whether:

- (a) the application has been lodged within the period referred to in Article 9(1) *of Regulation (EC) No 810/2009*, if applicable;
 - (b) all the required fields of the application form are filled in;
 - (c) proof of holding a travel document in accordance with Article 12 of Regulation (EC) No 810/2009 is provided;
 - (d) the biometric data of the applicant have been collected, if applicable;
 - (e) the visa fee has been collected, if applicable;
9. If according to the automated admissibility pre-check the application is admissible, the EU application platform shall send a notification to the consulate or the central authorities of the Member State with the combined result of the automated competence and admissibility pre-check.

If according to the automated admissibility pre-check the application is not admissible, the EU application platform shall send a notification to the applicant and notify which part of the application file is missing.

The *EU* application platform shall be designed so as to ensure that Article 19 paragraphs (4) ~~and (4a)~~ of Regulation (EC) No 810/2009 can apply, in order to allow applications to be considered admissible.

10. Following the notification referred to in paragraph 9, the consulate or the central authorities of the Member State shall perform a manual verification of the competence, in accordance with Article 18(3) of Regulation (EC) No 810/2009, and subsequently if needed, a manual verification of admissibility in accordance with Article 19. of that Regulation.

11. If the competent consulate or the central authorities of the competent Member State accept the application submitted via the EU application platform the data shall be transferred to the national system from temporary storage. The data shall be immediately deleted from temporary storage, with the exception of contact data linked to the secure account service.
12. If, *after the verification, the notified consulate or central authorities of the Member State find that they are not competent and the application is not re-submitted to the competent consulate or central authorities, Article 18(4) of Regulation (EC) 810/2009 shall apply* ~~the applicant withdraws the application following the automated competence and admissibility pre-check, the data shall be immediately deleted from temporary storage, with the exception of contact data linked to the secure account service.~~
13. The competent consulate or the central authorities of the competent Member State may use the secure account service to communicate with the applicants.
14. *In relation to the transferred data to the responsible Member State referred to in paragraphs 11 and 12, that Member State shall designate a competent authority which is to be considered data controller in accordance with point (7) of Article 4 of Regulation (EU) 2016/679 and which shall have central responsibility for the processing of data by that Member State.*

Article 7d

Payment tool and appointment tool

1. A *secure* payment tool shall be used to pay the visa fee ~~using the EU application platform. The payment tool shall be managed by third party providers~~ *to the competent Member State using the EU application platform.*
2. The Commission shall, by means of implementing acts, define the requirements concerning the payment tool referred to in paragraph 1 of this Article, including the reimbursement modalities for applicants. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 49(2).
3. A tool for managing appointments may be used by Member States or external service providers.

When this tool is used, the Member State shall be responsible for setting the available slots.

4. The Commission shall, by means of implementing acts, define the requirements concerning the appointment tool referred to in paragraph 3 of this Article, including the modalities for confirmation of appointments, the link to existing appointment tools or information on walk-in appointments to be configured by the consulates or external service providers and the technical modalities to ensure that any family member of a Union citizen to whom Directive 2004/38/EC applies or of a third-country national enjoying the right of free movement equivalent to that of Union citizens under an agreement between the Union and its Member States, on the one hand, and a third country, on the other, or of UK nationals who themselves are beneficiaries of the EU-UK Withdrawal Agreement in the host State for which the visa application is made can benefit from an accelerated procedure. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 49(2).

Article 7e

External service provider gateway

1. External service providers shall have access to the EU application platform using the external service gateway only to:
 - (a) verify and perform quality checks **and pre-checks** on the data uploaded in the temporary storage capacity, notably the ~~scanned~~**electronic** copy of the travel document;
 - (b) upload the biometric identifiers **and check whether biometric identifiers are already available**;
 - (c) upload the supporting documents, if needed;
 - (d) use the appointment tool to indicate available slots, if applicable;
 - (e) ~~make~~**forward the application available** to the consulate **or the central authority** for further processing.
2. An authentication scheme, reserved exclusively for external service providers, shall be set up by Member States in order to allow access to the gateway for the purposes of this Article to the duly authorised staff members. When setting up the authentication scheme, information security risk management and the principles of data protection by design and by default shall be taken into account.
 - 2a. External service providers shall have no access to the VIS.**
3. The Commission shall adopt implementing acts to lay down the authentication scheme for external service provider staff members. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 49(2).

Article 7f
Notification of decisions

1. ~~Applicants and visa holders shall be notified of decisions taken by Member States on their applications or issued visas by secure~~**Once the competent authority has taken a decision on an application or on an issued visa, as relevant, and has made such a decision available in the secure account in accordance with paragraph 2, the EU application platform shall send to the applicant or visa holder an electronic message, as defined in Regulation (EC) No 810/2009.**

2. ~~The notifications to~~**competent authorities shall notify applicants and visa holders of decisions taken pursuant to points a) to c) by making those decisions available in the respective secure accounts of the applicants and visa holders, as applicable. Such notification shall contain**~~include~~ the following data:
 - (a) ~~for visa issued, confirmed or extended: data listed in Articles 24, 25 or 26 of Regulation (EC) No 810/2009 and Article 10 of this~~**1683/95 and with the rules for filling in the data fields of the digital visa established under the procedure referred to in Article 27(1) of Regulation (EC) No 810/2009;**
 - (b) ~~for visa refused: data listed in Article 32 of Regulation (EC) No 810/2009 and Article 12 of this Regulation;~~
 - (c) ~~for visa confirmed: data listed in Article 32a of Regulation (EC) No 810/2009 and Article 12a of this Regulation;~~
 - (d) ~~for visa extended: data listed in Article 33 of Regulation (EC) No 810/2009 and Article 14 of this Regulation;~~
 - (e) ~~for visa annulled or revoked: data listed in Article 33~~ **34** ~~of Regulation (EC) No 810/2009 and Article 13 of this Regulation.~~

3. ~~The notification referred to in paragraph 2 shall contain a 2D barcode digitally signed by the issuing authority, and the facial image of the holder. The 2D barcode shall contain the information referred to in paragraph 2.~~

~~The notification shall be in printable format.~~

4. ~~The Commission shall adopt implementing acts to lay down technical specifications of the digital visas and the notification referred to in paragraph 1, including details on the format of the notification, such as 2D barcode and printable format. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 49(2).~~

Article 7g
Verification tool

1. The verification tool shall allow applicants and visa holders to check:
 - (a) status of their application;
 - (b) status and validity of their visa.
2. The verification tool shall be based on the secure account service referred to in Article 7b(3).
3. The EU application platform shall offer a web-service functionality for applicants ***and other entities, such as employers or universities or local authorities***, to verify the digital visa without the secure account service.
4. The Commission shall adopt implementing acts concerning the detailed rules on the conditions for the operation of the web service and the data protection and security rules applicable to the web service, including unique identifier for the applicant. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 49(2).²²;

Article 7h
Costs

1. ***The development and implementation of the platform will trigger three different categories of costs:***
 - (a) ***the development by eu-LISA of the EU visa application platform and of its interconnection with the national visa information systems, under strict costs control and monitoring,***
 - (b) ***the operation, including maintenance, by eu-LISA, of the EU visa application platform,***
 - (c) ***necessary adaptations by the Member States to the existing national visa information systems.***
2. ***Costs under points a) and b) of paragraph 1 shall be borne by the general budget of the EU***
3. ***Member States may use the Instrument for Financial Support for Border Management and Visa Policy, which is part of the Integrated Border Management Fund, as established by the Regulation (EU) 2021/1148 to finance the costs mentioned in paragraph 1 c) of this Article, in accordance with the eligibility rules and co-financing rates set in this legal basis of the Fund.***

Article 7i
Data protection responsibilities

1. *Each Member State shall designate a competent authority which is to be considered as data controller in accordance with this article. Member States shall communicate these authorities to the Commission, eu-LISA and other Member States.*

All the competent authorities designated by Member States are to be considered joint data controllers in accordance with Article 26 of Regulation (EU) 2016/679 in relation to the processing of all personal data in the EU Visa application platform.

2. *The responsibilities and the relationships between Member States as joint controllers for the processing of the personal data in EU Visa application platform shall be defined in an implementing act.*
3. *eu-LISA is to be considered a processor in accordance with Article 28 of Regulation (EU) 2016/679 in relation to the processing of personal data in the EU Visa application platform, eu-LISA shall ensure that EU Visa application Platform is operated in accordance with this Regulation.*
4. *The relationship between the Joint controllers and the data processor and the data processor responsibilities shall be defined in an implementing act.”;*

(4) in Article 9(4), the following points are added:

- “(na) if applicable, the fact that the applicant applies as a family member of UK nationals who is a beneficiary of the EU-UK Withdrawal Agreement in the host State for which the visa application is made;
- (o) email address *and mobile phone number*;
- (p) IP address from which the application form was submitted;
- (q) *in the case of applications filled in by a duly authorised person other than the applicant, via the EU application platform: email address, mailing address and phone number if available of that person.”;*

(4a) *In Article 9, paragraph 7 is replaced by the following:*

- ”7. an electronic copy of the biographic data page of the travel document and, if applicable, the data uploaded from the chip according to Article 12(5) of the Visa Code.”;*

(5) In Article 9b the following paragraph is added:

“5. Paragraphs 1 to 4 shall apply mutatis mutandis to family members of UK nationals who themselves are beneficiaries of the EU-UK Withdrawal Agreement in the host State for which the visa application is made.”;

(6) Article 10 is amended as follows:

(-a) in paragraph 1, the following point (db) is inserted

“(db) if applicable, the information indicating that the visa has been issued with limited territorial validity pursuant to Article 25(1)(a) of Regulation (EC) No 810/2009;”;

(a) in paragraph 1, point (e) is replaced by the following:

“(e) visa number;”;

(b) in paragraph 1, point **(j) and** (k) ~~is~~ **are** deleted.

(c) in paragraph 1, points (m) **and** (n) ~~is~~ **are** added

“(m) if applicable, the status of the person indicating that the third-country national is a member of the family of UK national who is a beneficiary of the EU-UK Withdrawal Agreement in the host State for which the visa application is made.

(n) national entries in comments section.”;

(7) the following Article 12a is inserted:

*“Article 12a
Data to be added for a visa confirmed*

1. Where a decision has been taken to confirm a visa, the visa authority that has taken the decision shall add the following data to the application file:

(a) status information;

(b) authority that confirmed the visa;

(c) place and date of the decision;

(d) new travel document data, including number, issuing country and authority, issuing date, expiry date.

(e) confirmation number;

(f) an electronic copy of the biographic data page of the new travel document and, if applicable, the data uploaded from the chip according to Article 12(5) of Regulation (EU) No 810/2009.

2. Where a decision has been taken to confirm a visa, the system shall immediately retrieve and export from the VIS into the EES the data listed in Article 19(1) of Regulation ~~(EU)~~ (EU) 2017/2226.”;

(8) in Article 14(1), point (d) is replaced by the following:

“(d) visa number of the extended visa;”;

(9) in Article 15(2), point (f) is replaced by the following:

“(f) the visa number, long-stay visa or residence permit number and the date of issue of any previous visa, long-stay visa or residence permit;”;

(10) Article 18 is amended as follows:

(a) in paragraph 1, point (b) is ~~deleted~~; **replaced by the following:**

“(b) the number of the visa sticker or visa number;”;

(b) paragraph 3 is replaced by the following:

“3. By way of derogation from paragraph 2 of this Article, where a search is launched in the EES pursuant to Article 23(2) or (4) of Regulation (EU) 2017/2226, the competent border authority may search the VIS without making use of the interoperability with the EES, where specific circumstances so require, in particular, where it is technically impossible, on a temporary basis, to consult the EES data or in the event of a failure of the EES.”;

(11) the following Article 18e is inserted:

“Article 18e

Fall-back procedures in the case of a technical impossibility to access data at the external borders

1. Where it is technically impossible to proceed with the consultation referred to in Article 18 because of a failure of any part of VIS, eu-LISA shall notify the border authorities of the Member States.
2. Where it is technically impossible to perform the search referred to in Article 18 because of a failure of the national border infrastructure in a Member State, the border authorities shall notify the eu-LISA. eu-LISA shall then inform the Commission.
3. In cases referred to in paragraphs 1 and 2 of this Article, the border authorities shall follow their national contingency plans. The national contingency plan may authorise the border authorities to derogate temporarily from the obligation to consult VIS referred to in Article 8 of Regulation (EU) 2016/399.

4. The Commission shall, by means of implementing acts, adopt model contingency plans for the cases referred to in paragraphs 1 and 2 of this Article, including the procedures to be followed by border authorities. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 49(2). Member States shall adopt their national contingency plans using the model contingency plans as a basis, to be adapted as necessary at the national level.”;

(12) in Article 19, paragraph 1 is replaced by the following:

- “1. For the sole purpose of verifying the identity of the visa holder and/or the authenticity of the visa and/or whether the conditions for entry to, stay or residence on the territory of the Member States are fulfilled, the authorities competent for carrying out checks within the territory of the Member States as to whether the conditions for entry to, stay or residence on the territory of the Member States are fulfilled, shall have access to search with the number of the visa in combination with verification of fingerprints of the visa holder.

Where the identity of the visa holder cannot be verified with fingerprints the competent authorities may also carry out the verification with the facial image.”;

(13) in Article 20(2), point (d) is replaced by the following:

- “(d) the data entered in respect of any visa issued, refused, confirmed, annulled, revoked or extended referred to in Articles 10 to 14.”;

(14) in Article 21(2), point (d) is replaced by the following:

- “(d) the data entered in respect of any visa issued, confirmed, annulled, revoked or extended referred to in Articles 10, 12a, 13 and 14.”;

(15) in Article 22(2), point (e) is replaced by the following:

- “(e) the data entered in respect of any visa issued, *refused*, confirmed, annulled, revoked or extended referred to in Articles 10, **12**, 12a, 13 and 14.”;

(15a) in Article 22c, point (h) is added:

“(h) national entries in comments section;”;

(16) in Article 22f(1), point (d) is replaced by the following:

- “(d) the visa number;”;

(17) in Article 22o, paragraph 3 is amended as follows:

(a) point (c) is replaced by the following:

“(c) visa number or number of the long-stay visa or residence permit and the date of expiry of the validity of the visa, long-stay visa or residence permit, as applicable;”;

(b) the following points (f) and (g) are added:

“(f) IP address *from which the application was submitted*;

(g) email address.”;

(18) in Article 22r, paragraph 3 is amended as follows:

(a) point (c) is replaced by the following:

“(c) visa number or number of the long-stay visa or residence permit and the date of expiry of the validity of the visa, long-stay visa or residence permit, as applicable;”;

(b) the following points (f) and (g) are added:

“(f) IP address *from which the application was submitted*;

(g) email address *used for the application*.”;

(18a) in Article 26, the following paragraphs are added:

"11. The infrastructures supporting the EU application platform referred to in Article 2a of this Regulation shall be hosted in eu-LISA technical sites. These infrastructures shall be geographically distributed to provide the functionalities laid down in this Regulation in accordance with the conditions of security, data protection and data security.

eu-LISA shall ensure that the future use of the EU visa application platform, provided for in Article 2a, by Member States not applying the Schengen acquis in full is taken into account in the development of the platform. This concerns in particular the storage capacity of the platform and interface with national visa information system.

12. *eu-LISA shall be responsible for the technical development of the EU application platform referred to in Article 2a of this Regulation. eu-LISA shall define the technical specifications of the EU application platform. Those technical specifications shall be adopted by eu-LISA's Management Board, subject to a favourable opinion from the Commission.*
13. *eu-LISA shall develop and implement the EU application platform as soon as possible after the entry into force of Regulation XXX and the adoption by the Commission of:*
 - (a) *the measures provided for in Article 45(2)(g) to (o) of Regulation (EC) No 767/2008; and*
 - (b) *the measures adopted in accordance with the examination procedure referred to in Articles 7b(6), 7b(7), 7c(3), 7d(2), 7d(4), 7e(3), 7f(4), 7g(4), 18e(4).*
14. *eu-LISA shall be responsible for the operational management of the EU application platform.*

Operational management of the EU application platform shall consist of all the tasks necessary to keep the EU application platform functioning 24 hours a day, 7 days a week in accordance with this Regulation, in particular the maintenance work and technical developments necessary to ensure that the EU application platform functions at a satisfactory level of operational quality.

The VIS Advisory Group referred to in Article 49a of Regulation (EC) No 767/2008 and in Article 27(1)(b) of Regulation (EU) 2018/1726 shall provide the Management Board of eu-LISA with expertise relating to the EU application platform.

During the designing and development phase of the EU application platform, a Programme Management Board composed of a maximum of ten members shall be established. It shall be composed of seven members appointed by eu-LISA's Management Board from among its members or alternate members, the Chair of the VIS Advisory Group referred to in Article 27 of the regulation 2018/1726, a member representing eu-LISA appointed by its Executive Director and one member appointed by the Commission.

The Programme Management Board shall meet regularly and at least one time per quarter. It shall ensure the adequate management of the design and development phase of the EU application platform and ensure the consistency between central and national EU application platform projects.

The Programme Management Board shall submit written reports every month to eu-LISA's Management Board on the progress of the project. The Programme Management Board shall have no decision-making power nor any mandate to represent the members of eu-LISA's Management Board.

eu-LISA's Management Board shall establish the rules of procedure of the Programme Management Board which shall include in particular rules on:

- (a) its chairmanship;*
- (b) meeting venues;*
- (c) the preparation of meetings;*
- (d) the admission of experts to meetings;*
- (e) communication plans ensuring full information to non-participating members of eu-LISA's Management Board.*

The chairmanship of the Programme Management Board shall be held by a Member State which is fully bound under Union law by the legislative instruments governing the development, establishment, operation and use of all the large-scale IT systems managed by eu-LISA.

All travel and subsistence expenses incurred by the members of the Programme Management Board shall be paid by eu-LISA and Article 10 of the eu-LISA Rules of Procedure shall apply mutatis mutandis. eu-LISA shall provide the Programme Management Board with a secretariat.”;

(19) in Article 45(2), the following points (g) to ~~(p)~~ are added:

- ~~“(g) for defining the content of a simplified application forms for confirmation of valid visas in a new travel document and for extension of visas, in accordance with Article 7b;~~
- ~~(h)~~**(g)** for defining requirements concerning the format of the personal data in the online application form, in accordance with Article 7b;
- ~~(i)~~**(h)** for defining the technical requirements concerning the format of supporting documents, travel medical insurance and copy of travel document in electronic format to be provided via the EU application platform, in accordance with Articles 7c and 7ba;
- (i)** *for defining the requirements of the secure account service, including the modalities of access and authentication, the retention period for data stored therein and for uncompleted applications or applications which do not pass the competence and admissibility check, in accordance with Article 7b;*

- (j) for defining the requirements concerning the payment tool, including the reimbursement modalities for applicants, in accordance with Article 7d;
 - (k) for defining the requirements concerning the appointment tool referred, including the modalities for confirmation of appointments, and the link to existing appointment tools or information on walk-in appointments to be configured by the consulates or external service providers, in accordance with Article 7d;
 - (l) for laying down the authentication scheme for external service provider staff members using the External service provider gateway, in accordance with Article 7e;
 - (m) for laying down technical specifications of the ~~visas in digital format, and the visa notification~~ **notifications**, including details on ~~the~~**their** format of the notification, such as ~~2D barcode,~~**and printable format versions**, in accordance with Article 7f;
 - (n) for laying down detailed rules on the conditions for the operation of the web service and the data protection and security rules applicable to the web service, in accordance with Article 7g;
 - (o) for defining model contingency plans regarding fall-back procedures in the case of a technical impossibility to access data at the external borders, including the procedures to be followed by border authorities, in accordance with Article 18e;
 - (p) ***to lay down the functionalities of the chatbot hosted by the EU application platform in accordance with Article 7a(5).***”;
- (20) in Article 48a(2), (3) and (6), the references to “Article 9, Article 9h(2), Article 9j(2) and Article 22b(18)” are replaced by references to “Article 7b, Article 9, Article 9h(2), Article 9j(2) and Article 22b(18)”.

(20a) Article 50 is amended as follows:

(-a) The following paragraph is added:

“3a. After the date of start of operations of the platform referred to in Article 2a(1)fa, the report on the technical functioning of the VIS referred to in paragraph 3 shall also include the technical functioning of the platform.”;

(a) paragraph 6 and 7 are replaced by the following:

“6. Member States shall provide eu-LISA and the Commission with the information necessary to draft the reports referred to in paragraphs 3, 4, 5 and 8.

7. eu-LISA shall provide the Commission with the information necessary to produce the overall evaluation referred to in paragraph 5 and 8.”;

(b) *the following paragraph is added:*

“8. Three years after the date of start of operations of the platform referred to in Article 2a(1)fa, the Commission shall evaluate the operation of the EU application platform. This evaluation shall include an examination of the results achieved against objectives and of the implementation of the provisions of Regulation (EC) No 810/2009 and Regulation (EC) No 767/2008.

The Commission shall transmit the evaluation referred to in paragraph 1 to the European Parliament and the Council. On the basis of the evaluation, the Commission shall submit, where necessary, appropriate proposals.”

Article 3

Amendments to Council Regulation (EC) No 1683/95²⁴

Regulation (EC) No 1683/95 is amended as follows:

(1) ~~Article 1 is replaced by the following:~~

~~“Article 1~~

~~Visas issued in conformity with Article 5 of this Regulation by the Member States which do not issue visas in digital format referred to in Article 26a of Regulation (EC) No 810/2009 shall be produced in the form of a uniform format (sticker). They shall conform to the specifications set out in the Annex.”~~

(2) ~~in Article 7, the following fourth paragraph is added:~~

~~“The use the uniform visa format for purposes other than those covered by Article 5 is without prejudice to issuing visas in digital format referred to in Article 26a of Regulation (EC) No 810/2009.”~~

²⁴ ~~Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas (OJ L 164, 14.7.1995, p. 1).~~

Article 4

Amendments to Council Regulation (EC) No 333/2002²⁵

In Article 1 of Regulation (EC) No 333/2002, paragraph 1 is replaced by the following:

~~“1. This Regulation shall apply to Member States which do not issue visas in digital format referred to in Article 26a of Regulation (EC) No 810/2009 of the European Parliament and of the Council*.~~

~~For the purposes of this Regulation, "form for affixing a visa" shall mean the document issued by the authorities of a Member State to the holder of a travel document which is not recognised by that Member State, to which its competent authorities affix a visa."~~

~~* Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (OJ L 243 15.9.2009, p. 1)."~~

Article 5

Amendments to Council Regulation (EC) No 694/2003²⁶

Regulation (EC) No 694/2003 is amended as follows:

(1) Article 1 is replaced by the following:

“Article 1

1. Facilitated Transit Documents (FTD) issued by the Member States as referred to in Article 2(1) of Regulation (EC) No 693/2003 shall be issued in digital format referred to ~~in Article 26a of~~ *in* Regulation (EC) No 810/2009 of the European Parliament and of the Council* ~~and 1683/95*~~ **and shall contain the data fields set out in Annex 1. It** shall have the same value as limited territorial validity visas with the purpose of transit. In addition, the digital format shall contain clear indication that the issued document is FTD.

²⁵ ~~Council Regulation (EC) No 333/2002 of 18 February 2002 on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognised by the Member State drawing up the form (OJ L 53, 23.2.2002, p. 4).~~

²⁶ Council Regulation (EC) No 694/2003 of 14 April 2003 on uniform formats for Facilitated Transit Documents (FTD) and Facilitated Rail Transit Documents (FRTD) provided for in Regulation (EC) No 693/2003 (OJ L 99, 17.4.2003, p. 15).

2. Facilitated Rail Transit Documents (FRTD) issued by the Member States as referred to in Article 2(2) of Regulation (EC) No 693/2003 shall be issued in digital format referred to in ~~Article 26a of~~ Regulation (EC) No ~~810/2009~~**1683/95** and shall ***contain the data fields set out in Annex 2. It shall*** have the same value as limited territorial validity visas with the purpose of transit. In addition, the digital format shall contain clear indication that the issued document is ~~FRTD~~**FRTD**.”;

~~* Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (OJ L 243-15.9.2009, p.1).~~

(2) In Article 2(1), the first subparagraph is replaced by the following:

- “1. Further technical specifications for the digital format for FTD and FRTD, including relating to the following, shall be established in accordance with the procedure referred to in Article 4(2).”;

(2a) In Article 2(1), points (a) and (b) are replaced by the following:

“(a) technical standards and methods for:

(i) encoding the information contained in the digital FTD and FRTD in the form of a 2D barcode;

(ii) the facial image;

(b) specifications for generating the printable version of the digital FTD and FRTD;”;

(2b) in Article 2, paragraph 2 is replaced by the following:

- “2. In accordance with the examination procedure referred to in Article 4(2), the Commission may decide that the specifications referred to in paragraph 1 shall be secret and not be published. In that case they shall be made available only to persons duly authorised by a Member State or the Commission.”;***

(2c) Article 3 is deleted;

(2d) in Article 5, the second sentence is deleted;

(3) In Article 6, the first ~~subparagraph~~**paragraph** is replaced by the following:

- “2. “Member States which have decided to do so shall issue the digital format for FTD and FRTD as referred to in Article 1 no later than one year after the adoption of the ~~additional security features and requirements~~ ***further technical specifications*** referred to in Article 2;”;

(4) *Annex I is replaced by the following:*

**"ANNEX 1
FACILITATED TRANSIT DOCUMENT (FTD)**

The digital FTD shall contain the following data fields:

- *issuing Member State*
- *surname, name*
- *surname at birth*
- *date of birth*
- *country and place of birth*
- *sex*
- *nationality of the visa holder*
- *nationality at birth*
- *type and number of travel document*
- *issuing Authority of the travel document*
- *date of issue and of expiry of the travel document*
- *authority that issued the FTD, including its location, and whether that authority issued it on behalf of another Member State;*
- *place and date of the decision to issue the FTD;*
- *FTD number;*
- *the territory in which the FTD holder is entitled to travel;*
- *the commencement and expiry dates of the validity period of the FTD;*
- *the number of entries authorised by the FTD in the territory for which the visa is valid;*
- *the duration of transit as authorised by the FTD;*
- *remarks; this field shall be used by the issuing authority to indicate any further information, which is considered necessary, provided that it complies with Article 5 of this Regulation.*
- *the facial image of the FTD holder.”;*

(5) *Annex II is replaced by the following:*

**"ANNEX 2
FACILITATED RAIL TRANSIT DOCUMENT (FRTD)**

The digital FRTD shall contain the following data fields:

- *issuing Member State;*
- *surname, name;*
- *surname at birth;*
- *date of birth;*
- *country and place of birth;*
- *sex;*
- *nationality of the visa holder;*
- *nationality at birth;*
- *type and number of travel document;*
- *issuing Authority of the travel document;*
- *date of issue and of expiry of the travel document;*
- *date and time of departure of train (first entry);*
- *date and time of departure of train (second entry);*
- *authority that issued the FRTD, including its location, and whether that authority issued it on behalf of another Member State;*
- *place and date of the decision to issue the FRTD;*
- *FRTD number;*
- *the territory in which the FRTD holder is entitled to travel;*
- *the commencement and expiry dates of the validity period of the FRTD;*
- *the duration of transit as authorised by the FRTD;*
- *remarks; this field shall be used by the issuing authority to indicate any further information, which is considered necessary, provided that it complies with Article 5 of this Regulation.*
- *the facial image of the FRTD holder.”;*

Article 6

Amendment to the Convention implementing the Schengen Agreement²⁷

Article 18 of the Convention implementing the Schengen Agreement is amended as follows:

(1) paragraph 1 is replaced by the following:

“1. Visas for stays exceeding 90 days (long-stay visas) shall be national visas issued by one of the Member States in accordance with its national law or Union law. Such visas shall be ~~in~~ issued **in** digital format ~~referred to in~~ **in accordance with** Article ~~26a of 1 of the Regulation on the uniform format for visas (Regulation (EC) No 810/2009/1683/95)~~, **with the type of visa being indicated with the letter "D"**.

~~By way of exception, Member States which do not issue visas in digital format referred to in Article 26a of Regulation (EC) No 810/2009 shall issue visas in the uniform format for visas as set out in Council Regulation (EC) No 1683/95^(*) with the heading specifying the type of visa with the letter "D". They shall be filled out~~ **They shall be filled out in accordance with the relevant provisions of the Commission implementing act setting out the rules for filling in the data fields of the visa, adopted in accordance with the relevant provisions of Annex VII to Article 27(1) of Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code)."**;

(2) the following paragraph 1a is inserted:

“1a. Long-stay visas issued in digital format shall be ~~notified~~ **communicated** to applicants by electronic means ~~in accordance with Article 7f of Regulation (EC) No 767/2008~~ **by national authorities of the issuing Member State.**”.

²⁷ Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders (OJ L 239, 22.9.2000, p. 19).

Article 7

Amendment to Council Regulation (EC) No 693/2003²⁸

Regulation (EC) No 693/2003 is amended as follows:

(1) in Article 2, paragraph 3 is replaced by the following:

“3. The FTD/FRTD shall be issued in digital format ~~referred to in Article 26a of~~ *in accordance with* Regulation (EC) No ~~810/2009~~ *No 694/2003*.”;

=====

~~* Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (OJ L 243 15.9.2009, p. 1).;~~”

(2) Article 5 is amended as follows:

(a) In paragraph 1, the first sentence is replaced by the following:

“The application for an FTD shall be submitted to the consular authorities of a Member State which has communicated its decision to issue the FTD/FRTD in accordance with Article 12.”;

(b) the following paragraph 5 is inserted:

“5. The application for an FTD and FRTD shall be carried out using an online application tool. The online application tool shall contain data referred to in paragraphs 3 and 4 of this Article.”;

(3) in Article 6, paragraphs 2, 3 and 4 are replaced by the following:

“2. No FTD/FRTD shall be issued for a travel document that has expired.

3. The period of validity of the travel document for which the FTD/FRTD is issued shall be longer than that of the FTD/FRTD.

4. No FTD/FRTD shall be issued for a travel document if that travel document is not valid for any of the Member States. If a travel document is only valid for one Member State or for a number of Member States, the FTD/FRTD shall be limited to the Member State or Member States in question.”.

²⁸ Council Regulation (EC) No 693/2003 of 14 April 2003 establishing a specific Facilitated Transit Document (FTD), a Facilitated Rail Transit Document (FRTD) and amending the Common Consular Instructions and the Common Manual (OJ L 99, 17.4.2003, p. 8).

Article 8

Amendments to Regulation (EU) 2017/2226 of the European Parliament and of the Council²⁹

Regulation (EU) 2017/2226 is amended as follows:

(1) in Article 16(2), point (d) is replaced by the following:

“(d) where applicable, the short-stay visa number, including the three letter code of the issuing Member State, the type of short-stay visa, the end date of the maximum duration of the stay as authorised by the short-stay visa, which shall be updated at each entry, and the date of expiry of the validity of the short-stay visa;”

(2) Article 19 is amended as follows:

(-a) the title is replaced by the following:

"Data to be added where an authorisation for short stay is revoked, annulled or extended and when a valid visa is confirmed in a new travel document";

(a) in paragraph 1, point (d) is replaced by the following:

“(d) where applicable, the new visa number, including the three letter code of the issuing country;”;

(b) the following paragraph 7 is added:

“7. Where a decision has been taken to confirm a valid visa in a new travel document, the visa authority which has taken the decision shall immediately retrieve the data provided for in paragraph 1 of this Article from the VIS and import them directly into the EES in accordance with Articles 12a of Regulation (EC) No 767/2008.”;

(3) in Article 24(2), point (b) is replaced by the following:

“(b) the short-stay visa number, including the three letter code of the issuing Member State referred to in Article 16(2), point (d);”;

(4) in Article 32(5), point (c) is replaced by the following:

“(c) visa number and the date of expiry of the validity of the visa;”.

²⁹ Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 (OJ L 327, 9.12.2017, p. 20).

Article 9

Evaluation of the EU application platform

- ~~1. Five years after the date of start of operations according to Article 12 of this Regulation, the Commission shall evaluate the operation of the EU application platform. This evaluation shall include an examination of the results achieved against objectives and of the implementation of the provisions of Regulation (EC) No 810/2009 and Regulation (EC) No 767/2008, as amended by this Regulation.~~
- ~~2. The Commission shall transmit the evaluation referred to in paragraph 1 to the European Parliament and the Council. On the basis of the evaluation, the Commission shall submit, where necessary, appropriate proposals.~~

Article 109

Start of operations of the EU application platform

1. The Commission shall ~~determine~~**adopt a decision setting** the date ~~from~~**on** which operations of the EU application platform start pursuant to this Regulation, ~~onee.~~ **That decision shall be adopted not later than six months after verification by the Commission that** the following conditions have been met:
 - (a) the measures referred to in ~~Article 1, point (31) and~~ Article 2, points (19) and (20) have been adopted;
 - (b) eu-LISA has declared the successful completion of a comprehensive tests **which are to be conducted by eu-LISA in cooperation with the Member States**;
 - (c) eu-LISA has validated the technical and legal arrangements, **including sufficient capacities and functionalities of the EU visa application platform**, and notified them to the Commission.
2. The Commission decision referred to in paragraph 1 shall be published in the Official Journal of the European Union.
3. By way of derogating from paragraph 1, and without prejudice to issuing visas in digital format, a Member State may, for a period of ~~5~~ 7 years from the date referred to in paragraph 1, decide not to avail itself of the EU application platform.

In this case, the Member State shall notify the Commission regarding its decision not to avail itself of the EU application platform during the transition period. The Commission shall publish the notification in the Official Journal of the European Union.

During this transitional period, visa holders shall be able to verify the **validity and the information in the** digital visas using the web-service of the ~~online visa~~**EU** application platform, referred to in Article 7g of Regulation (EC) No 767/2008 if the Member State processing their visa application decided not to avail itself of the EU application platform.

4. A Member State may notify the Commission and eu-LISA that it wishes to avail itself of the EU application platform before the end of the transition period referred to in paragraph 3.

The Commission shall determine the date from which this shall be applicable. The Commission decision shall be published in the Official Journal of the European Union.

Article ~~10~~

Entry into force

1. This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.
2. ***It shall apply from the date set by the Commission in accordance with Article 9(1).***
3. ***By way of derogation from paragraph 2, Article 1, points (1), (3), (16), (27), (32a), (33) and (34) shall apply 6 months after the date of entry into force of this Regulation.***
4. ***By 1 December 2026 and every year thereafter until the decision of the Commission referred to in Article 9(1) has been taken, the Commission shall submit a report to the European Parliament and to the Council on the state of play of preparations for the full implementation of this Regulation. That report shall contain also detailed information about the costs incurred and information as to any risks which may impact the overall costs.***

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels,

For the European Parliament

The President

For the Council

The President

*Proposal for a**Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1683/95, as regards the digitalisation of the visa procedure*

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 77(2), point (a) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The Union's common visa policy has been an integral part of the establishment of an area without internal borders. Visa policy should remain an essential element in helping counter security risks and the risk of irregular migration to the Union, while facilitating tourism and business. To make Schengen visa application process smoother and more effective for third-country nationals and Member States authorities, it is necessary to allow Schengen visa applications to be lodged online, thereby making full use of recent legal and technological developments.*
- (2) Visas should be issued in a uniform digital format only, as a 2D barcode, and contain the facial image of the holder. In order to ensure uniform conditions for the implementation of Regulation (EC) No 1683/95, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹. The examination procedure should be used for the adoption of the technical specifications of the digital visa.*

¹ *Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).*

- (3) *This Regulation constitutes a development of the provisions of the Schengen acquis in which Ireland does not take part and falls outside the scope of the measures provided for in Council Decision 2002/192/EC²; Ireland is therefore not taking part in the adoption of this Regulation and is not bound by it or subject to its application.*
- (4) *As regards Iceland and Norway, this Regulation constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis³ which fall within the area referred to in Article 1, point B of Council Decision 1999/437/EC⁴.*
- (5) *As regards Switzerland, this Regulation constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis⁵ which fall within the area referred to in Article 1, point B, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC⁶.*

² *Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis (OJ L 64, 7.3.2002, p. 20).*

³ *OJ L 176, 10.7.1999, p. 36.*

⁴ *Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis (OJ L 176, 10.7.1999, p. 31).*

⁵ *OJ L 53, 27.2.2008, p. 52.*

⁶ *Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis (OJ L 53, 27.2.2008, p. 1).*

- (6) *As regards Liechtenstein, this Regulation constitutes a development of the provisions of the Schengen acquis within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis⁷ which fall within the area referred to in Article 1, point B, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU⁸.*
- (7) *As regards Cyprus, and Bulgaria and Romania, this Regulation constitutes an act building upon, or otherwise relating to, the Schengen acquis within, respectively, the meaning of Article 3(1) of the 2003 Act of Accession and of Article 4(1) of the 2005 Act of Accession.*

HAVE ADOPTED THIS REGULATION:

Article 31

Amendments to Council Regulation (EC) No 1683/95⁹

Regulation (EC) No 1683/95 is amended as follows:

- (1) Article 1 is replaced by the following:

“Article 1

1. Visas issued *by the Member States* in conformity with Article 5 ~~by the Member States which do not issue visas in digital format referred to in Article 26a of Regulation (EC) No 810/2009~~ shall be produced in the form of a uniform **digital** format (~~sticker~~). They shall conform to the specifications **contain the data fields** set out in the Annex.
2. *The digital visa shall be issued as a 2D barcode, which shall be digitally signed by the issuing authority, and shall contain the facial image of the holder. Member States may add national entries in a specific ‘comments’ section.*
3. *The digital visa shall be printable.”;*

⁷ *OJ L 160, 18.6.2011, p. 21.*

⁸ *Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).*

⁹ *Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas (OJ L 164, 14.7.1995, p. 1).*

(2) in Article 7, the following fourth paragraph is added:

~~“The use the uniform visa format for purposes other than those covered by Article 5 is without prejudice to issuing visas in digital format referred to in Article 26a of Regulation (EC) No 810/2009.”~~

Article 2 is replaced by the following:

“Article 2

1. The Commission shall establish further technical specifications for the uniform format for visas relating to the following:

(a) technical standards and methods for :

(i) encoding the data contained in the digital visa;

(ii) the facial image;

(b) specifications for generating the printable version of the digital visa.

2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 6(2).

3. In accordance with the examination procedure referred to in Article 6(2), the Commission may decide that the specifications referred to in paragraph 1 shall be secret and not be published. In that case they shall be made available only to persons duly authorised by a Member State or the Commission.”;

(3) *Article 3 is deleted;*

(4) *in Article 4, paragraph 2 is deleted;*

(5) *the Annex is replaced by the following:*

“Annex

The digital visa shall contain the following data fields:

(1) issuing Member State;

(2) surname, name;

(3) surname at birth;

(4) date of birth;

(5) country and place of birth;

- (6) *sex;*
- (7) *nationality of the visa holder;*
- (8) *nationality at birth;*
- (9) *type and number of travel document;*
- (10) *issuing authority of the travel document;*
- (11) *date of issue and of expiry of the travel document;*
- (12) *authority that issued the visa, including its location, and whether that authority issued it on behalf of another Member State;*
- (13) *place and date of the decision to issue the visa;*
- (14) *type of visa;*
- (15) *if applicable, the information indicating that the visa has been issued with limited territorial validity pursuant to Article 25(1)(b) of Regulation (EC) No 810/2009;*
- (16) *visa number*
- (17) *the territory in which the visa holder is entitled to travel;*
- (18) *the commencement and expiry dates of the validity period of the visa;*
- (19) *the number of entries authorised by the visa in the territory for which the visa is valid;*
- (20) *the duration of the stay as authorised by the visa;*
- (21) *if applicable, the status of the person indicating that the third-country national is a member of the family of UK national who is a beneficiary of the EU-UK Withdrawal Agreement in the host State for which the visa application is made;*
- (22) *national entries in comments section ;*
- (23) *in addition, for a valid visa confirmed in a new travel document:*
 - *Status information that the visa has been confirmed*
 - *authority that confirmed the visa;*
 - *place and date of the decision;*
 - *new travel document data, including number, issuing country and authority, issuing date, expiry date;*
 - *confirmation number.*

(24) *in addition, for an extended visa:*

- *status information indicating that the visa has been extended;*
- *the authority that extended the visa, including its location;*
- *place and date of the decision;*
- *visa number of the extended visa;*
- *the commencement and expiry dates of the extended period;*
- *period of the extension of the authorised duration of the stay;*
- *the territory in which the visa holder is entitled to travel, if the territorial validity of the extended visa differs from that of the original visa;*
- *the type of the visa extended.*

(25) *the facial image of the visa holder.*

* *Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas, (OJ L 218, 13.8.2008, p. 60)."*

Article 2

Start of issuing visas in digital format

1. *The Commission shall adopt a decision by means of an implementing act setting the date from which Member States shall issue digital visas pursuant to this Regulation, once the following conditions have been met:*
 - (a) *the technical specifications referred to in Article 1, point (3) have been adopted;*
 - (b) *eu-LISA has declared the successful completion of comprehensive tests;*
 - (c) *eu-LISA has validated the technical and legal arrangements for the start of issuing visas in digital format and notified them to the Commission.*
2. *The Commission decision referred to in paragraph 1 shall be published in the Official Journal of the European Union.*

Article 3
Entry into force

1. *This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.*
2. *It shall apply from the date set by the Commission in accordance with Article 2(1).*
3. *By 1 December 2026 and every year thereafter until the decision of the Commission referred to in Article 2(1) has been taken, the Commission shall submit a report to the European Parliament and to the Council on the state of play of preparations for the full implementation of this Regulation. That report shall contain also detailed information about the costs incurred and information as to any risks which may impact the overall costs.*

The Commission decision referred to in paragraph 2 shall be published in the Official Journal of the European Union.

Done at Brussels,

For the European Parliament
The President

For the Council
The President
